



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, MONDAY, JANUARY 25, 2021

No. 14

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the rock of our salvation, teach us to live as contemplative activists, reflecting Your sacred guidance and obeying Your commands.

Remind our lawmakers that You direct the steps of good people, leading the faithful to the destination You have chosen. Lord, stir the hearts of our Senators until they possess a holiness that strives to carve tunnels of hope through mountains of despair.

We offer You our hearts, mighty God, for we trust Your prevailing and loving providence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF JANET LOUISE YELLEN

Mr. SCHUMER. Madam President, this week, the Senate will continue confirming President Biden's highly qualified and history-making nominees.

In a few hours we will hold a vote on Janet Yellen to serve as the next Secretary of the Treasury. Janet Yellen, of course, is no stranger to this Chamber. She has been confirmed by the Senate no fewer than four times and was reported favorably to the floor by a unanimous vote of the Finance Committee on Friday.

The bipartisan support of Ms. Yellen's multiple nominations reflects her breathtaking range of experience and just how well suited she is to manage the economic challenges of our time. Ms. Yellen, I am proud to report, is a native of working-class Brooklyn, the daughter of a schoolteacher and physician, raised during the Great Depression. She went to Fort Hamilton High School, one of James Madison High School's rivals. A graduate of Brown and Yale, Ms. Yellen has taught economics at some of the world's most prestigious universities. Of course, Janet Yellen is best known for her tenure as Chair of the Federal Reserve, overseeing a period of falling unemployment and steady economic recovery from the global financial crisis.

Few people possess the experience and expertise that Ms. Yellen would bring to the Treasury, particularly during this moment of economic crisis. At the Treasury Department, there are long hallways on the third floor where the portraits of all 77 Treasury Secretaries hang—all of them men, all the way back to Alexander Hamilton, the first Secretary. I am thrilled today to vote to confirm the first woman to ever hold the position of Treasury Secretary and someday add her portrait to that hallway.

On that note, I would add it was a great pleasure to read the Biden ad-

ministration's announcement today that the Treasury Department plans to speed up the plans to add the portrait of Harriet Tubman to the \$20 bill. This is an issue I have long championed and something that should have been done a long time ago. I feel particularly strong about it since Harriet Tubman was an Auburn, NY, resident, and our office worked for years to successfully make her home in Upstate New York a national historic monument.

I am glad the Biden administration is reversing the Trump administration's foot-dragging. It is the kind of thing they did—no excuse, no reason, just didn't do it. But now the Biden administration is reversing the Trump administration's foot-dragging and will press forward with plans to circulate new currency celebrating Harriet Tubman's life and legacy.

After Ms. Yellen's confirmation tonight, the Senate will continue to process nominations to President Biden's Cabinet for the Secretaries of State, Homeland Security, and Transportation. With cooperation, the Senate could complete both confirmations this week. Again, those are the Secretaries of State, Homeland Security, and Transportation, in addition to Treasury this evening.

I remind my colleagues that President Trump had his Secretary of Homeland Security installed on Inauguration Day. We cannot allow our national security and our domestic security to be compromised in any way by the prolonged delay of Mr. Mayorkas' nomination.

IMPEACHMENT

Mr. SCHUMER. Madam President, as I announced on Friday, the Republican leader and I have come to an initial agreement about the timing of the impeachment trial of Donald Trump. This evening, managers appointed by the House of Representatives will deliver

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S113

to the Senate the Article of Impeachment and will read the article here in the well of this Chamber.

Tomorrow, Senators will be sworn in as judges and jurors in the impending trial, and the Senate will issue a summons to former President Trump. After that, both the House managers and the former President's counsel will have a period of time to draft their legal briefs, just as they did in previous trials. Once the briefs are drafted, presentations by the parties will commence the week of February 8.

I want to thank the Republican leader for working with us to reach this agreement, which we believe is fair to both sides and will enable the Senate to conduct a timely and fair trial on the Article of Impeachment. The schedule will also allow us to continue the important work of the people, including confirming more members of President Biden's Cabinet.

I want to be very clear about that last point. The Senate will conduct a timely and fair trial.

I want to be very clear about that because some of my Republican colleagues have latched on to a fringe legal theory that the Senate does not have the constitutional power to hold the trial because Donald Trump is no longer in office. This argument has been roundly debunked by constitutional scholars from the left, right, and center. It defies precedent, historic practice, and basic common sense. It makes no sense whatsoever that a President—or any official—could commit a heinous crime against our country and then defeat Congress's impeachment powers by simply resigning so as to avoid accountability and a vote to disqualify them from future office.

This is not merely a hypothetical situation. In 1876, President Grant's Secretary of War, William Belknap, implicated in a corruption scheme, literally raced to the White House to tender his resignation mere minutes before the House was set to vote on his impeachment. Then, as a matter of historical record, he burst into tears. Not only did the House move forward with the five impeachment articles against him, but a trial was then convened in the Senate.

Of course, the question came up as to whether the Senate could try former officials, and guess what. The Senate voted as a Chamber that Mr. Belknap could be tried "for acts done as Secretary of War, notwithstanding his resignation of said office."

Those are the words of the Senate vote in 1876.

Mr. Belknap was ultimately acquitted, but the record is clear. The Senate has the power to try former officials, and the reasons are obvious. A President or any official, for example, could wait until their final 2 weeks in office to betray their country, knowing they could escape accountability or merely resign moments before the Senate decides to convict and disqualify them

from future office. The theory that the Senate cannot try former officials would amount to a constitutional get-out-of-jail-free card for any President who commits an impeachable offense.

Now, it is certainly appropriate for the Senate to take the resignation of an official into account. After all, the House decided not to impeach Richard Nixon because, in that sense, Nixon took some responsibility for his actions. But to state the obvious, President Trump did not resign. He has not demonstrated remorse. He has not even acknowledged his role in the events of January 6, and he has never disavowed the lies that were fed to the American people by him about who actually won the election.

Just to put a final nail into the coffin of this ridiculous theory, I remind my colleagues, if a President is convicted on an Article of Impeachment, the Senate holds a separate vote on whether to bar them from future office. Once a President is convicted of an impeachment charge, they are removed from office. In other words, they become a former official. If we are to believe that the Senate can't hold former officials to account, then the Senate could never proceed to that second vote of disqualification, which is provided for in the Constitution, even for a sitting President.

In saying this, I am expressing the view of legal scholars across the political spectrum. Stephen Vladeck, a prominent constitutional expert at the University of Texas, wrote in the New York Times that Donald Trump is the "poster child" for why the conviction of an ex-President is not just constitutionally permissible but necessary. More than 150 legal scholars signed a letter last week forcefully stating that an impeachment trial of a former President is constitutional. Among the signatories, one of the cofounders of the Federalist Society, as well as one of President Reagan's Solicitors General, among other prominent conservatives.

It is so obviously wrong to suggest that impeaching the President is unconstitutional—that impeaching a former President is unconstitutional. So why are some suggesting it?

Well, there seems to be a desire on the political right to avoid passing judgment, one way or the other, on former President Trump and his role in fomenting the despicable attack on the Capitol on January 6. There seems to be some hope that Republicans could oppose the former President's impeachment on process grounds, rather than grappling with his actual awful conduct.

Let me be very clear. This is not going to fly. The trial is going to happen. It is certainly and clearly constitutional, and if the former President is convicted, there will be a vote to disqualify him from future office.

There is only one question at stake—only one question that Senators of both parties will have to answer before

God and their own conscience: Is former President Trump guilty of inciting an insurrection against the United States?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

CORONAVIRUS

Mr. McCONNELL. Madam President, our Nation has spent nearly a year locked in this terrible battle with COVID-19. This virus that spread from China around the world has taken more than 400,000 American lives. It has effectively cost many children an entire school year. It made us slam the brakes on one of the best job markets in modern history and threw millions of families into financial chaos.

But thanks to a lot of hard work in 2020, the dawn of 2021 has brought a turning point. The genius of science and the support of Operation Warp Speed produced vaccines in record time. And in December, after months of delay, Democrats finally let Congress move ahead with another major rescue package. The light at the end of the tunnel is getting closer, and both Republicans and Democrats are going to continue working together to accelerate victory.

Curiously, the President's candidate to run the Department of Health and Human Services is the famously partisan attorney general of California. His recent experience in health policies seems largely limited to promoting abortion-on-demand and suing groups like the Little Sisters of the Poor, which dare to live out their religious convictions.

In an interview just yesterday, Mr. Becerra compared the current state of vaccinations inherited by the Biden administration to an airplane in a nose-dive—a disaster. He contrasted the status quo with the new administration's stated goal of 1 million vaccinations per day, which he called "ambitious."

There is a problem here. Even the press has repeatedly pointed it out, which said our Nation is already meeting that very pace—already meeting that very pace. That is not a big new goal. It is exactly what they inherited from the Trump administration in Operation Warp Speed.

Inauguration Day, Thursday, and Friday, each topped 1 million vaccinations. As of today, we are averaging 1.16 million shots per day over the last

week. They are claiming the exact same number can either be a total catastrophe or a smashing success. I guess it depends on whether Democrats are in power. So much for science without politics.

Here is how the Washington Post put it:

The accelerating speed of the [vaccine] program undercuts assertions by some Biden advisers that they were left no plan by the Trump administration, and suggests they need only to keep their feet on the pedal to clear the bar they set for themselves.

Yesterday, Mr. Becerra was asked about increasing vaccinations in the months ahead. Here is what he said: "I first have to be sworn in to give you a timeline." Perhaps that is like the time the Speaker of the House famously said she had to pass a bill before the public could learn what was in it.

The new administration campaigned heavily on having a new master plan to fight the pandemic. Well, now they are in office, President Biden has said: "[T]here's nothing we can do to change the trajectory of the pandemic in the next several months," and his administration is apparently content to maintain the same vaccine pace they actually inherited.

Let's talk about Congress's role in the pandemic relief. Our Democratic colleagues spent last summer and fall using the legislative filibuster to delay the next rescue package until after the election. Now, that would be the same tool that some Senate Democrats now suddenly say they oppose, as if they hadn't leaned on it liberally over the last 6 years.

But, finally, last month, they let us act. We passed another package totaling nearly \$900 billion in urgent relief. We provided more than \$80 billion to help K-12 schools, \$280 billion for the Paycheck Protection Program, billions more for Federal unemployment insurance supplements, nutrition and rental assistance, and direct cash aid and massive new investments in purchasing and distributing vaccines. Some of that money has already gone out the door. Other portions are still unspent—a massive, historic, almost trillion-dollar package that was passed into law just 5 weeks ago.

Since last March, Washington, DC, has spent a historic amount of money standing up one of the most enormous policy responses by any government to any emergency that the world has ever seen. Nobody thinks the support has been perfect—far from it—but it has been historic and strong.

For example, a nonpartisan study in November showed that because of the historic emergency legislation passed through Congress, American personal income was actually—listen to this—higher in September than it had been before the pandemic.

Last month, Larry Summers, President Clinton's Treasury Secretary and President Obama's NEC Director, confirmed that relative to our underlying

economy, our multiple rescue packages have brought American household income all the way back to a level that equals or even exceeds what he would expect if we weren't in a crisis.

So, to be clear, nobody thinks our bipartisan work fighting this pandemic is completely finished. Nobody is arguing that. And we all understand that overall national statistics do not explain away the terrible struggles facing many families. But experts and economists from the left to the right agree: Any further action should be smart and targeted, not just an imprecise deluge of borrowed money that would direct huge sums toward those who don't need it.

That is why the new administration's first draft of their sprawling proposal misses the mark, and press reports make clear this is not just a Republican view. Multiple Democratic Senators agree that it is not the right path forward.

So as the \$900 billion package from 5 weeks ago continues to come online and as the remaining needs continue to come into focus, Republicans will be ready and eager to continue bipartisan discussions about smart steps forward for the American people. Bipartisan action helped our Nation endure the last year. Bipartisan action helped us turn the corner, and it will be smart, bipartisan actions that help us finish the fight.

NOMINATION OF JANET LOUISE YELLEN

Mr. McCONNELL. Madam President, now on a related matter, this afternoon, the Senate will confirm Dr. Janet Yellen, the former Chair of the Federal Reserve, to serve as President Biden's Secretary of the Treasury. Her speedy confirmation will contrast sharply with the way the Senate Democratic minority handled many of the last President's key Cabinet nominations 4 years ago.

Secretary Mnuchin had to sit through a stunt where Senate Democrats literally boycotted his committee hearing. He was not confirmed until mid-February.

Dr. Yellen came out of committee on a unanimous vote and will begin to work 5 days after the inauguration. That is even faster than Secretary Geithner's nomination in 2009 in the teeth of a financial crisis.

This certainly isn't because Dr. Yellen's or President Biden's economic policy views have unanimous support here in the Senate. I expect we will have no shortage of spirited policy discussions with Dr. Yellen in the months ahead, especially if some Democrats keep trying to use this historic emergency as a pretext—a pretext to push through permanent far-left policy changes.

The 50 Senators on our side have great confidence in our pro-job, pro-worker vision that helped build the greatest job market in living memory.

But the simple fact is that, when the American people elect a President and when the President selects qualified and mainstream people for key posts, the whole Nation deserves for them to be able to assemble their team.

I will be voting to confirm Dr. Yellen today. I look forward to working together on pro-growth policies that will help rebuild the thriving economy for American workers that was in place just 1 year ago.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Janet Louise Yellen, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 will be equally divided between the two leaders or their designees.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CAPITOL CUSTODIAL STAFF

Mr. BROWN. Madam President, it is good to see the Senator from Hawaii as the Presiding Officer.

Madam President, I rise today to honor workers in this building—something that Senator HIRONO does every day of her life in this job—workers in this building who are too often overlooked but whose work is essential to the functioning of our government: our Capitol custodial staff.

In the days after the January 6 insurrection, when domestic terrorists stormed this building, we rightly honored Capitol Police Officer Eugene Goodman and many other Capitol police officers who put their lives on the line to protect all of us, to protect our democratic process, and, essentially, to protect our democracy.

Last week, I joined a bipartisan group of colleagues in introducing legislation to award Officer Goodman the

Congressional Gold Medal. He and others may well have saved our lives and protected our democracy. They did it without the support they needed from their leadership. They did it without the support from the Trump White House on down.

But those officers aren't the only ones who deserve our honor and our gratitude. They are not the only ones who put their lives on the line serving our country on January 6 or over the past year during this pandemic.

Every day, Capitol custodial staff do their jobs with skill, dedication, and dignity. They showed up for work during this pandemic even when many in this building didn't take it seriously and put those workers' health at risk by not wearing masks.

Capitol custodial workers were here on January 6, doing their jobs, when White supremacists stormed this building, barging into this Chamber, acting as though no one could ever possibly hold them accountable. Because the President was on their side, they thought they were invulnerable.

And when their rampage was over, it was largely the Black and Brown custodians who were left to restore dignity and respect to the Capitol. Their work allowed us to continue ours that night: certifying the electoral votes, securing the election and our democracy.

Many Americans were so moved to see those workers still doing their jobs. That is what service looks like. That is what love of country looks like. That is what the dignity of work is all about.

Unfortunately, it tells you a whole lot about the problems that have been allowed to fester for too long in this country: White supremacists make a mess; Black workers clean it up.

We have a lot of work to do to fix that and to ensure that hard work pays off for all workers in this country. We simply don't value and respect all work the way we should.

I think of the words of Dr. King, who, as you know, died fighting for workers, sanitation workers in Memphis. He said:

If a man is called to be a street sweeper, he should sweep streets even as Michelangelo painted or Beethoven composed music or Shakespeare wrote poetry. He should sweep streets so well that all the hosts of heaven and earth will pause to say, "Here lived a great street sweeper who did his job well."

Dr. King said:

No work is insignificant. All labor that uplifts humanity has dignity and importance.

No work is insignificant. All labor has dignity. We ought to treat it that way, starting with honoring these workers.

In the days after January 6, pictures of Capitol workers cleaning up after these terrorists were reported on the news, captured by dedicated journalists who also risked their lives to do their jobs that day. These photos struck a chord with so many people. Americans began writing thank-you letters, send-

ing them to the Architect of the Capitol to pass on to custodial staff, to police officers, and to others.

Many of these workers are represented by AFSCME Local 626, which gives workers a voice on the job and is also working on ways to honor its members.

Members of Congress should do the same. In the coming weeks, I will be introducing a Senate resolution to recognize the Capitol custodial staff for their bravery and their service to our country on January 6. I hope my colleagues will join me—all of them—not as Republicans or Democrats but as Members of this body, as Americans all.

This Capitol is the people's House. The insurrectionists ransacked it. The Capitol custodians picked up the pieces. They deserve our eternal gratitude. To all the Capitol custodians who come to work in this building each day to ensure our democracy functions, thank you, thank you, thank you.

NOMINATION OF JANET LOUISE YELLEN

Madam President, a few days after our first woman Vice President was sworn in, we are about to confirm the first woman to step into one of the leading roles in our economy. Janet Yellen made history when she served as Chair of the Federal Reserve. She is about to make history again as Secretary of the Treasury.

She will be the first person ever to have held all three of the top positions in our economy—Chair of the Council of Economic Advisers, Chair of the Federal Reserve, and Secretary of the Treasury—and now more than ever, we need her leadership, her vision, and her appreciation for what makes this country work.

As Fed Chair and as a labor economist, Janet Yellen made it clear that she understands what drives our economy. It is not the stock market. It is not Wall Street. It is people. It is workers. Janet Yellen knows our economy is built by Americans who know the dignity of a hard day's work, whether you punch a clock or swipe a badge or work for tips or care for children or take care of your parents.

I remember in 2015 Chair Yellen came to Cleveland and toured the Alcoa plant not far from my house. She showed the kind of leadership we need, the kind of leaders President Biden is putting into the top jobs managing our economy—people who will get out of Washington, who will visit every sort of community in the heart of the country, and people who act on what they learn from workers in Chillicothe, in Springfield, in Youngstown and Moline, IL, where the next Presiding Officer comes from.

There is a lot more to our economy than a quarterly earnings report. Janet Yellen understands that. She will step into this job at a time when the contrast between the financial health of corporations and workers couldn't be starker.

We are in the midst of a public health crisis and an economic crisis. You

wouldn't know it if you looked only at the stock market or corporate profits. But under President Biden, under Janet Yellen, and under new leadership in the Senate, we are done measuring—we are just done measuring the economy that way. We are going to think about the economy the way workers and their families do—in terms of paychecks, whether they can make rent or pay the mortgage this month or afford childcare or pay for their prescription drugs. By those measures, people are hurting.

We hear a lot about what some people call the K-shaped recovery—that is one way of saying that the rich are getting richer while the middle class and low-income families continue to struggle. It was a problem before this virus, as you know. The pandemic has only made it worse, and it is layered on top of systemic racism and inequalities that have been allowed to fester for too long.

We have a tax code that favors the wealthy, that gives corporations a tax break when they move manufacturing jobs out of East St. Louis or out of East Cleveland overseas. Americans' hard-earned savings are at risk from the financial instability of climate change. China is aggressive, confident, and continues to threaten American jobs. The Internal Revenue Service wastes time and taxpayer money auditing working families, often Black and Brown families, instead of going after wealthy tax cheats. Wall Street rewards corporations that lay off employees and cut their pay and treat their workers as expendable. Risky behavior on Wall Street—like it did in the last crisis—can devastate communities in Ohio and around the country.

I have confidence that Janet Yellen understands these vast challenges and that she will get to work immediately to take them on and to create a better, more prosperous, more stable economy, centered on the dignity of work. She knows we can build new, cleaner infrastructure that puts people to work at good-paying union jobs. We can invest in the country, including the small towns and industrial cities of Southeast Ohio and Southern Illinois and the Black and Brown communities in our cities that too often get left behind. We can make it easier for people to afford housing and transportation and childcare. We can create a tax code that rewards work instead of wealth, starting with a dramatic expansion of the child tax credit and the earned income tax credit. We can give people more power over their lives and their own money with options like monthly distribution of the child tax credit and no-fee bank accounts. That is the vision Janet Yellen and Joe Biden and Senate Democrats are committed to—one where the middle class is growing and everyone has the opportunity to join it.

Janet Yellen has the experience, the talent, and the commitment to service to deliver results. She is the right person for these tumultuous times. She

will rise to meet this moment to help our country build back better. I ask my colleagues to support Janet Yellen for Secretary of the Treasury.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. DUCKWORTH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

59TH INAUGURATION

Mr. CORNYN. Madam President, last week, the country and the world watched as our Nation carried out one of its most sacred traditions—the peaceful transfer of power, which is the hallmark of American democracy, that has defined our country since its earliest days. Between the pandemic and heightened security concerns, this inauguration looked far different than those of former Presidents, but the will of the people was carried out just as it has been following every Presidential election throughout our Nation's history.

President Biden, in his inaugural address, stressed the importance of unifying our country. I agree, and I hope that the President and our Democratic colleagues in Congress lead by example.

FILIBUSTER

Madam President, our first order of business has been to fill critical positions throughout the Federal Government, and the Senate has already confirmed the Director of National Intelligence and the Secretary of Defense, both of whom I supported. This afternoon, we will vote on the confirmation of Janet Yellen to be Secretary of the Treasury, whom I intend to vote for, as well, and there is a slate of other important positions that need to be filled in the coming days and weeks.

I should note that voting to confirm a nominee, under the words of the Constitution—providing advice and consent—is not a rubberstamp of the administration's policies. I know there will be important issues that we will disagree on, but if elections mean anything, they mean that the prevailing party should not be knee-capped as, unfortunately, our Democratic colleagues did to the previous administration when it tried to install a new Cabinet and agency heads. Rather, I believe the tradition has been to accommodate one another when we can so the administration can carry out its duties.

This morning, I had a very good conversation with Judge Merrick Garland, whom President Biden has nominated for Attorney General. Judge Garland's extensive legal experience makes him well suited to lead the Department of Justice, and I appreciate his commitment to keeping politics out of the Justice Department. That is my No. 1 criterion for who should be the next head of the Department of Justice, the

Attorney General. I think both sides should support a depoliticized Justice Department, and that is what I hope Judge Garland, once confirmed, will deliver. I look forward to talking to him more during the confirmation process, but unless I hear something new, I expect to support his nomination before the full Senate. It is in the best interest of the country to have qualified, Senate-confirmed individuals leading our Federal departments and agencies.

As we look beyond the confirmation process, there are many opportunities for Republicans and Democrats to work together in those places where we agree, and I know additional coronavirus relief, as it is needed, is high on President Biden's list. Approximately 1 million Americans are being vaccinated every day, and while the light at the end of the tunnel is getting bigger and brighter, we are still not in the clear. Congress has provided trillions of dollars in relief to strengthen our fight on both the healthcare and economic fronts, but we need to remain vigilant in the final, critical phase of this battle.

I don't support President Biden's pandemic relief proposal in its current form, but I do believe it is a starting point for bipartisan negotiations. I will gladly support a reasonable, targeted bill as we determine precisely, as we can, where the needs truly are. We all agree we need to bolster vaccine manufacturing and distribution; that some Americans need additional financial support; and that Main Street businesses and their workforces are still struggling to survive this economic recession. I hope the administration will be willing to work with Congress to reach an agreement that receives broad, bipartisan support as each of the previous bills that we have passed has.

During my time in the Senate, I have worked with folks across the aisle on our shared priorities, and I have no plans of changing that practice now, but make no mistake: I will push back, forcefully, respectfully, when the President and I disagree. One of the things I have learned, though, is that there is a difference between what some elected officials say and what they actually do, and rather than listen to what they say, I really prefer to watch what they do and see if those are consistent. Only hours after being sworn in and speaking of unifying the country, President Biden unilaterally canceled the permit for the Keystone XL Pipeline, and on the same day, the administration halted all new energy leasing and permitting on public lands and waters. With these unfortunate actions, President Biden is killing thousands of well-paying U.S. jobs and kicking the U.S. energy industry while it is still struggling from the pandemic.

I had hoped and still hope to work with President Biden on an all-of-the-above energy strategy that prioritizes our fossil fuels—we have 280 million

cars on the road, and people are still going to need gasoline for the foreseeable future—renewables, and innovative technologies that help us harness our most prevalent and reliable energy sources. One of the things that, I think, is exciting about some of the research that is being done is on carbon capture technology, which ought to be, again, something that we can all agree on as we transition to the next forms of energy.

As we begin a new Congress and welcome a new President, I am, once again, reminded of the words that were quoted from Ruth Bader Ginsburg, recently deceased Justice of the U.S. Supreme Court. She didn't originate it, but she did make it popular when she said, "You can disagree without being disagreeable." Of course, democracy itself expects a competition of ideas but not necessarily the mudslinging and name-calling that have become all too common. I hope we can return to the respectful battles in the days and months ahead and know there is no better battleground for that to happen in than in the Senate, where sometimes—sometimes—we live up to the billing as the world's greatest deliberative body.

The primary feature that separates the Senate from the House or any other legislative body is that of free and full debate. That is why it takes 60 votes to cut off debate—so that you can then vote and pass a piece of legislation with 51 votes. It forces us to do what we ought to do anyway, which is to have fulsome debate, allow minority views to be presented, and then, once the debate is concluded, have a vote on the underlying bill. Fundamentally, the Founders saw the Senate as a place that protected minority rights. I have been here long enough to be in the majority and in the minority, and we know what goes around comes around in the U.S. Senate. It is as sure as day follows night. That is why we are called a deliberative body. In the House, you have 435 Members, and in order to pass a bill, all you need is a majority. Got the votes? Jam it through. Yet there has to be someplace, somewhere, in a nation of 330 million souls, where competing ideas can be seriously debated, and that is why our Founders created the U.S. Senate.

George Washington was famously said to have told Thomas Jefferson that the Senate was meant to be a saucer to cool House legislation like a saucer was used to cool hot tea. Well, if partisan bills are the hot tea, then the Senate cloture requirements are the saucer. Rather than a simple majority here in the Senate, you have to get 60 out of 100 Senators to support a bill in order for it to advance. I know we all would love to see each of our ideas passed into law without any delay or extended debate, but that is not the way the Senate is supposed to work. It forces us to do what we ought to want to do anyway, which is to do the hard

work of bipartisan negotiation and compromise, come up with an 80-20 solution that can leave the 20 percent you don't agree on for another day and another battle, but to pass into law and make progress, on behalf of the American people, the 80 percent we can agree on.

Neither party has had a filibuster-proof majority since the late 1970s, and as a result, Senators from red States and blue States have had to work together, as they should, to reach agreements on nearly every piece of legislation that has moved through this Chamber in the last four decades. The only real exception is the budget reconciliation process, which, by court rules, can be done with 51 votes, but, otherwise, in the main, 60 votes—a bipartisan majority—is required in order to move legislation.

When bills require bipartisan support in order to pass, they are more durable. The fact is, if you pass a partisan piece of legislation, the next time the majority flips, it can undo it. I think it is useful in terms of our comity, in terms of our relationships, and in terms of our ability to get things done for the American people to try to figure out how to do things on a bipartisan basis. While I know bipartisanship isn't necessarily popular with the political bases of either party, it is critical to our democracy.

Unfortunately, some of our colleagues on the other side have expressed an interest in using their newly gained powers in the majority to blow up the filibuster and to shatter that important cooling saucer. Make no mistake: That would do irreparable harm to this institution and inflict serious damage on our democracy. Without the 60-vote cloture requirement, both Chambers would be majority-rule institutions, with a steady flow of partisan legislation moving through Congress. If the same party controls both Chambers and the White House, that party could pass strictly partisan legislation that would quickly be signed into law without a single vote from the opposing party. Does that feel good? Well, if you are on the winning side, yes. Is it good for the country? No, it is not. It is efficient, but it is not effective. It is not lasting. It is not durable. It doesn't provide the sort of stability and ability to plan that the current structure provides.

All the reasons I have given for doing away with the Senate cloture requirement are why no majority has ever tried to blow it up before.

During the past administrations—the Trump, Obama, Bush and Clinton administration—there was a period of time when the President's party controlled both Chambers of Congress. If you go further back in history, you will find dozens of examples. But no Senate, until now, has ever been so shortsighted as to get rid of the cloture requirement and the filibuster when it comes to legislation.

If Democrats carried out their threat to do that today, they would clear the

path to pass a radical agenda that would fundamentally reshape our country without a single Republican vote.

As a reminder, we have a 50-50 Senate, and in the House there are 221 Democrats and 211 Republicans. In all of Congress, there are 10 more Democrats than Republicans out of 535 Members of Congress. That is far from a progressive or a radical mandate.

As I said, elections happen, majorities change, and Presidents come and go, as do U.S. Senators. In 2 years, Republicans could win the majority in either or both Chambers, and in 4, a Republican could win the White House as well.

If we were to do away with this restraint on snap decisions and partisan legislation, what would the succeeding Republican administration likely do? It would simply undo everything that had been done on a partisan basis.

Well, would our Democratic colleagues support a rule change to blow up the filibuster when Republicans control both Houses and the White House? Would they believe the Senate minority should be silenced, as they believe now?

As I say, what goes around comes around, and the shoe is always on the other foot, eventually.

The good news is we don't have to wonder what the answer would be because we already know it. In 2017, there was a Republican-led Senate, House, and White House, when we held both Houses and the White House. There was fear by some folks across the aisle—actually, both sides of the aisle—that the filibuster would be eliminated in order to clear a path for a Republican agenda.

That was when 61 Senators, a filibuster-proof majority, wrote a bipartisan letter to then-Majority Leader McConnell and Democratic Leader Schumer, urging them to protect the filibuster. That was 61 Senators. Among the cosigners were 27 current Democratic Senators. One of the signatures on this bipartisan letter is that of our newly sworn-in Vice President, KAMALA HARRIS.

I can promise you that Leader McConnell has no interest in eliminating the filibuster, when he was majority or now as minority leader, because he knew the institutional damage that this would cause and the damage to our democracy.

Unfortunately, Leader Schumer refuses to acknowledge that most basic fact.

The two party leaders are now in the process of negotiating an organizing resolution on how this new reality of a 50-50 Senate will operate. Fortunately, there is modern precedent for how this has been done, and the two leaders have shared an interest in emulating the 2001 agreement negotiated by Tom Daschle and Trent Lott.

But because of the newfound obsession of some on the left with uprooting the cornerstone of the Senate, Leader McConnell has asked for assurances

from Leader SCHUMER that the filibuster and the cloture requirement will remain intact. After all, it is not unreasonable to ask your negotiating partner to commit to not breaking the rules, which is all Senator McConnell is asking for.

Senator SCHUMER has derided that request, calling it “extraneous” and saying it falls outside the bounds of the 2001 organizing resolution.

But I would like to remind our colleagues that in 2001 the majority party was not threatening to blow up the Senate rules to advance a partisan agenda. That is why it wasn't the subject, explicitly, of that negotiation of the organizing resolution. There was no need to ask for assurances on the protection of the filibuster because it wasn't even a question to be answered.

Our Democratic colleagues have relied on the filibuster while Republicans have held the majority. I can think of time after time after time when we have tried to pass more COVID-19 relief bills that our Democratic colleagues felt were inadequate. And time after time after time, they used the filibuster to prevent passage of those bills, which was their right—I think a mistake, a decision I disagree with, but within their rights under the Senate rules. Republicans have also relied on the filibuster while Democrats have held the majority.

We all recognize that at some point the shoe is always on the other foot, which is why no one has been so foolish as to eliminate the legislative filibuster or to even seriously consider it before. I hope our colleagues on the other side will avoid making this tragic mistake in order to pursue short-sighted political goals.

And in an encouraging sign on Friday, the White House indicated that President Biden does not support getting rid of the legislative filibuster either. President Biden served in the Senate for, I believe, 36 years. He understands how this institution works, how it is supposed to work, and his advice—and it is only advice, since he is the President and not a Member of the Senate anymore—is: Don't go there.

I encourage our more than two dozen Democratic colleagues who have repeatedly voiced their support for maintaining the legislative filibuster to insist that this critical stabilizing force in our democracy be preserved in the organizing resolution currently being discussed by Senator SCHUMER and Senator McConnell. I truly believe that if we don't do that, if the legislative filibuster is eliminated, we will all rue the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I tell you, I am going to follow right along with the comments that my colleague from Texas has made, because, in Tennessee, whether someone is a Republican or a Libertarian or an Independent or a Democrat, they have

very high expectations of what this Congress is going to be able to accomplish, and they also have high expectations for this administration. What they are doing is looking there, and they are saying: Politics and politicians are not what this is all about. They don't necessarily matter. Policies matter.

And, as my colleague is saying, maintaining the filibuster rule in the Senate allows robust, respectful debate so that we arrive at a sense of compromise and we do what is best for the American people.

Today, I was talking with one of our Tennesseans, and they were talking about that it doesn't matter what is being said on social media—on Twitter or Facebook or Parler or any of the social media platforms—that when you strip it all away, good policy is good policy, and that is what matters. Good policy is good policy. It is good for the people, and that is where the emphasis should be.

So when I say they have high expectations, I don't only mean that they want good policies; they want this to focus on them. They want it to focus on their concerns, their communities, their schools, their right to feel secure, their right to enjoy free speech, their right to pursue their happiness, their American dream, and their right to celebrate and protect life. It is about them, not politicians, not politics. It is about the American people.

From their perspective, we can spend hours debating the budget or immigration reform or data privacy—which I will talk more about later this week—as long as at the end of the day, whatever compromise we reach not only meets their needs but recognizes that the people are the most important part of this entire equation—the people.

Every Member of this body understands that when the balance of power shifts, sometimes that means that the guy across the aisle is going to get the upper hand. Things change, but it would be a mistake for my colleagues on the other side of the aisle to assume that that means we are willing to set our priorities and our principles aside.

It doesn't mean that we are going to submit to their agenda. It doesn't mean we are going to conform to their agenda. It means we are going to stay true to our principles, represent our States, and work—work diligently—for what is going to be best for the people.

We may have had a changing of the guard here in Washington, but it doesn't mean that any of us has set aside the promises that we have made to the people we represent, and that is why I came out so strongly against the Biden administration and the President's Executive order that really crushed the jobs and the potential for energy security that came with the building of the Keystone XL pipeline.

This was a project that had achieved bipartisan support, and what are we seeing now? Lost jobs, lost livelihoods, more money being taken out of the taxpayers' pocket.

For similar reasons, I came out in opposition to rejoining the Paris climate accords and reversing our course on the departure from the World Health Organization.

For me, this isn't about politics. It is about the policies this new administration has decided to unilaterally say yes to—without consulting Congress, without including the people in the discussion.

And just so we are all aware, President Biden said yes to more unilateral policy changes on day one than any President in our Nation's history—more than any President in our Nation's history.

The Biden administration looked at those new policies and decided that the result—achieving that outcome—was worth whatever it would cost the American people to get it.

So over the next few weeks, we will also be examining the President's Cabinet picks to get a sense of the tradeoff they will be willing to make.

Safety is at the forefront of everyone's mind back home in Tennessee—not just safety from COVID but from the bad actors and the foreign adversaries who continue to show us just how far they are willing to go to undermine us on the world stage. Back in Tennessee, we have a saying: When somebody shows you who they really are, you better believe them.

And I will tell you that they are paying attention, and I will tell you that they are not very impressed right now with some of the so-called soft talk that they are hearing on proposed policies toward Iran and the communist regime in China.

This is why I chose not to support the confirmation of our new Director of National Intelligence, Avril Haines. I also had some pretty tough questions to ask Secretary of State Nominee Blinken about some of these same issues dealing with Iran, dealing with China. Many of the proposals that I am hearing from them have sounded strangely familiar from years gone by.

We don't have to look overseas to find some very real policy differences between what Tennesseans have said they expect and what the Biden administration is signaling that they want to deliver.

In his hearing before the Commerce Committee, Transportation Secretary Nominee Pete Buttigieg signaled to the panel that he would put the administration's environmental goals ahead of some very basic changes to Federal policy that would lighten the regulatory load on the county and city mayors trying to get their transportation projects off the ground.

As I told him, many times the regulations at issue don't just slow the projects down, they kill the project and that town's prospects for growth, for a better life, for people in the community. Hopefully, he is going to keep in mind what it means to these mayors the next time he is asked to consider the benefits of removing unnecessary redtape.

These tradeoffs many times are just too destructive to say yes to. I would encourage all of my colleagues to look at the compromises the President is asking each and every one to make, not just in terms of what we stand to gain but what is going to be the cost.

What is the monetary cost?

What is the cost of freedom?

What is the opportunity cost that will be delivered to the American people in order for the administration to have their way, to get their income? That is the question we should each ask: What is the cost to the American people in order to protect them, in order to meet the expectations that they have? We should be listening to the people. These policies are about them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF JANET LOUISE YELLEN

Mr. WYDEN. Madam President, it is a pleasure tonight to be making the case for Janet Yellen, former Chair of the Federal Reserve, to be the next Secretary of the Treasury. It is an awfully easy case to make.

Chair Janet Yellen deserves to be in the Senate confirmation hall of fame. She has already been confirmed four times for key economic positions. Tonight, the Senate can deliver an especially important economic judgment: Confirm Janet Yellen a fifth time and know that she will work with every single one of us to get our workers, our small businesses, and all Americans, from sea to shining sea, back on solid economic footing.

Tonight, I am going to spend just a few minutes discussing several important matters we learned from Chair Yellen's confirmation hearing. First, Chair Yellen is an exceptional economist who has a rare gift. She can take complicated economic theories and put them into understandable language, all while showing a real heart for the millions of Americans who are hurting through no fault of their own.

I asked Chair Yellen at her confirmation hearing: What will give Americans the most bang for the economic recovery buck? And Chair Yellen simply walked through the priorities, particularly going to bat for our small businesses. I come from a State where we have only a handful of big businesses. We are an overwhelmingly small business State. At her confirmation hearing, she spoke clearly about those small business needs, and she talked about the concerns she has for innovative and important approaches to expanding unemployment benefits to make sure that we are meeting the needs of our people. She also focused on reducing hunger and approaches that will help stretch anti-hunger dollars.

Second, Chair Yellen knows that it would be a big mistake for the Congress to go small on economic relief. She is acutely aware of what happened in 2009, when the government took its foot off the economic gas pedal too

soon, and recovery was compromised as a result. She also understands that emergency economic relief, like unemployment compensation, needs to last as long as the emergency. It cannot be tied to arbitrary expiration dates, where potential political agendas come before human needs. There is a reason why the Finance Committee approved her nomination unanimously on Friday morning. I touched on some of those factors, and I am going to amplify a little bit.

For example, nobody deserves more credit than Chair Yellen for the longest economic expansion in American history. It lasted until the pandemic hit. As Federal Reserve Chair, she led an important change to the status quo in economic policy. Previously, there had been too great a focus on inflation and deficit. Chair Yellen said: Let's zero in more on unemployment, income, and inequality, and she believed that the economy could run a bit hotter. The record shows that the Yellen approach was right on. Unemployment went down, wages went up, and a lot of people were better off than they were before. That is exactly the kind of thinking America needs again because confronting the COVID economy is hammering working families, in particular. Again, another clear reason why Janet Yellen is the right pick to be the next Treasury Secretary.

The most recent economic data shows that 1.4 million people nationwide had filed new claims for unemployment benefits in the last full week of the previous administration. So it is not hard to figure out what that means. It is an economic catastrophe. It is more than twice the highest figure from any single week in the great recession. That means 1.4 million people—so, so many working families—are suddenly walking on an economic tightrope every single day, balancing the food cost against the fuel cost, the fuel cost against the rent bill, worried about finding a new job, getting a badly needed shift at work, falling behind on rent or the mortgage, feeding their kids, paying the electric bill, paying medical bills—worried that the economy is headed in reverse and worried about whether the Congress will be gridlocked.

The country lost 140,000 jobs last month. My home State lost more than 25,000, in part because the Senate, in something that just defied common sense, waited around for the recovery to peter out before passing any more relief. Thousands and thousands of neighborhood restaurants and bars and mom-and-pop businesses have been shuttered. Nearly 11 million workers are out of a job. Another 4 million Americans have fallen out of the labor force entirely since this time last year. Unless the Congress acts boldly and quickly with more relief, the damage from the COVID economic crash will long outlast the pandemic itself. That must not be allowed to happen.

The key, of course, is for the Senate to get down to work, and one of the

best ways you can do it is to confirm someone who is eminently qualified, Chair Janet Yellen, to be Treasury Secretary.

As I touched on, we are looking at working with her on a host of key economic issues. As I have said as the new chair of the Finance Committee, my first priority will be to make sure that this Congress does not commit again the mistake of 2009.

In 2009, the sense was, well, maybe we are getting there on economic recovery. We will be able to come back later if maybe we didn't do enough. Well, we all know that a missed opportunity is a missed opportunity, and, in 2009, the Congress said, All right. We can take our foot off the gas now. It was too early, and there wasn't any next effort to make up for the damage. I am committed to making sure that doesn't happen again. Suffice it to say, it took 7½ years for the unemployment rate in Oregon to return to its prerecession levels.

This time around, the Congress has been warned. The warning I am giving about making sure that Congress doesn't take its foot off the economic relief pedal too soon is not the first warning. Chair Powell, for example, made it clear that the biggest danger lies in not doing enough.

Increasing relief checks to \$2,000 is key. The Congress needs to increase and extend unemployment benefits for the entirety of the COVID crisis, and you do that by, in effect, tying the benefits to the real world, to economic conditions on the ground. That has been my proposal for some time. Other colleagues have long advanced similar ideas. It is not a revolutionary proposition to say that emergency relief should last as long as the emergency. Simply stated. And it should not be held hostage by the arbitrary political agendas of Members of Congress.

If you don't do it, dysfunction and gridlock in Congress creates still more havoc for people who have done nothing wrong and just need help. A decade ago, that help went away too quickly because benefits expired arbitrarily, and Congress did not keep up with extensions. The Congress needs to do better, and I believe that should include important upgrades as well to unemployment insurance, which was created in the last century. I don't think it is too much to say we at least bring this critical safety net program into the relevant century.

Now, sometimes these programs look a little rusty in the modern economy. Sometimes it is because of outright sabotage. But workers suffer, particularly Black and Hispanic workers. So there are steps that need to be taken, in addition to modernizing the benefits, increasing base benefits, bringing all workers into the system, and ensuring it can hold up in a crisis.

Finally, Chair Yellen has some important comments on fixing America's broken Tax Code. I will tell you, Madam President, I start with the

proposition that a nurse who is treating COVID patients and paying taxes with every single paycheck should not find themselves in a disadvantaged position when compared to billionaires who, in effect, do no such thing and can postpone and postpone and postpone paying their taxes.

Now, there is a lot of work we need to do to repair the 2017 bill. The previous administration actually increased the incentives for corporations to ship jobs overseas. I want to fix that mistake. I want to work with Secretary Yellen on energy policy because so much of it deals with the Tax Code.

Suffice it to say, those are just some of the challenges Chair Yellen will face when, I believe, she is confirmed tonight as Treasury Secretary. She is supremely qualified—a member, in my view, of the Senate Confirmation hall of fame—and a proven economic policymaker.

Finally, I say to my colleagues on both sides of the aisle, it is long past time to have a woman lead the U.S. Treasury Department. Chair Yellen has my full support.

As colleagues come for this vote—and it is a significant economic policy vote, make no mistake about that—I would just ask my colleagues to reflect on the fact that Chair Yellen was approved by the Finance Committee 26 to nothing. Sometimes I say about this place—I have questions about whether you can get a simple decision like ordering a sandwich decided on a 26-to-nothing. She was approved unanimously because she gives public service a good name.

I urge my colleagues to support Janet Yellen for Secretary of the Treasury when we vote in just a few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

TRIBUTE TO RYAN D. MCCARTHY

Mr. MORAN. Madam President, I want to visit this evening on the Senate floor and take this opportunity to recognize a public servant, a leader, our former Secretary of the Army, the Honorable Ryan D. McCarthy. Secretary McCarthy led our Nation's Army from September 30, 2019, to January 20, 2021, and during that time, he made it a more modern, agile, and lethal fighting force.

We have worked together on a number of projects for Kansans and those who serve or have served our Nation during his tenure as Secretary, Acting Secretary, and Under Secretary of the Army, and I have grown to consider him a good, solid friend.

One of my most memorable experiences in the Senate was visiting the 1st Infantry Division soldiers in Germany and Poland—soldiers who come from Fort Riley, KS—with the Secretary, followed by our trip to Afghanistan to meet with troops on the frontlines in the global War on Terror. Those visits marked the beginning of our friendship, and since then, I have appreciated his guidance and his support during his

visits to Kansas and our many discussions here in our Nation's Capital.

In 2019, Secretary McCarthy joined me in Kansas to visit Seitz Elementary School, which serves the families of the Big Red One soldiers on Fort Riley. Secretary McCarthy was instrumental in helping to find funding for this school in 2011 when he was the Special Assistant to Defense Secretary Robert Gates, a Kansan. I was pleased he joined me in Kansas to visit the school—and its students—that he helped create in 2019. We also met with Fort Riley leadership and then traveled to Wichita to visit defense manufacturing and academic leaders to discuss the future of Army procurement.

These personal touch points with soldiers and with the Army community were some of the reasons why Secretary McCarthy was universally respected within the Army family.

While I will always appreciate our personal engagements with soldiers, I will also remember our efforts to support soldiers and veterans when they step off the battlefield or separate from military service.

This past Veterans Day, we coauthored an editorial that discussed our parallel efforts to support the mental health and well-being of soldiers and veterans. Reports show Americans across the country are feeling isolated and alone in today's socially distanced environment, including our Nation's service men and women and veteran populations. Between my efforts as chairman of the Senate Veterans' Affairs Committee to implement the Commander John Scott Hannon Veterans Mental Health Care Improvement Act and Secretary McCarthy's effort to build interpersonal connections between soldiers, we are working to give soldiers and veterans the tools they need to overcome mental health challenges they face.

As Secretary McCarthy transitions out of the watchful eye of public life, I rise this evening to express my appreciation for his leadership, his character, and his moral compass. He never let politics or convenience influence his decisions, and that has significantly benefited soldiers, Army civilians, veterans, and Kansans across the Nation.

As the chairman and now ranking member of the Senate Veterans' Affairs Committee, I will always strive to help veterans find success after service.

Secretary McCarthy, I have no doubts that you will find success and happiness after your dedicated service to our country. I thank your family for their support of your public service. I know that you and your family will find a quality life with purpose and meaning as you enter the next phase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Madam President, I ask unanimous consent to complete my remarks before the scheduled rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHRIS GILLOTT

Mr. CASSIDY. Madam President, I rise today to recognize and thank three long-serving aides who have served my office but more importantly served our Nation proudly, and they are now moving on to the next chapters of their lives.

First, Chris Gillott. Chris Gillott was my legislative director and for 8 years has been my right-hand person on policy. He never failed to take the ideas we discussed together and craft the actual policy needed to make a meaningful difference in the lives of folks in Louisiana and the lives of all Americans.

He was a master at navigating the partisan divide to find areas of consensus upon which we could build to advance real solutions. I was always struck that he was on a first-name basis with the legislative director of—and fill in the Democratic Senator's or the Republican Senator's name. You have a sense that in the era before Zoom calls, they would go out and have a beer on a regular basis, and that helped us tremendously.

We saw this fully on display recently as Chris was a central figure in the so-called 908 Coalition, which jump-started stalled COVID relief packages. And it wasn't just the relationships between the Senators but, again, as I said, between the different legislative directors from both parties in all offices.

His efforts were also central to passing legislation to ban surprise medical billing—a more than 2-year effort that will have a direct and positive impact on the pocketbooks of American families. He was crucial in our effort to make healthcare more affordable and pass generational tax reform. For every major legislative pursuit, I could rely upon Chris.

What many in Louisiana may not know is that he has also been a central figure engaged in some of the most pressing issues affecting our State, including offshore energy production, revenue sharing, energy regulation and permitting, the National Flood Insurance Program, and public works related to flood protection. These are all important to the well-being of our State and the folks who live there, as well as our entire country, and all these were regularly under assault.

Chris was a fearless advocate for energy production and for the jobs that energy production creates to not only help meet America's energy needs but to meet the individual families' financial needs. He has been on the frontlines to prevent changes to revenue sharing that would gut the money used in my State for hurricane protection, flood mitigation, and coastal environmental renewal. He has defended the National Flood Insurance Program to ensure that this critical lifeline remains accessible to people across the country and, importantly, to those in Louisiana.

Thank you, Chris, for all you have done for me and for those of Louisiana.

TRIBUTE TO ALLISON KAPSNER SOLLEY

Madam President, the next person I will speak of is Allison Kapsner Solley. Allison is a Minnesotan. She said she grew up on the upper end of the Mississippi, but she found a home in the lower end of the Mississippi—or at least the office that represented Louisiana. She joined my staff at the beginning of my first Senate term as a scheduler but through sheer excellence became deputy chief of staff and a close confidant.

Trust is so important. I learned I could always trust Allie's judgment and her ability to accomplish anything. She is irreplaceable. She has had an impact on this office, ensuring that we better serve Louisiana, but that impact has meant that we will better serve Louisiana even after her departure.

Some examples. For any office to succeed, it needs to run efficiently and effectively. I knew this, that we had to have systems. Allie figured out the systems. She implemented them across all the offices here in DC and Louisiana. She kept things running smoothly. And she has a skill of identifying an individual's strengths and helping that individual leverage those strengths into results that contributed to the whole but also to the future of the individual.

I am about to say this about Allie, but I could say it of Chris and also of David, whom I am about to speak of. In Mark chapter 10, versus 42 through 45, Jesus speaks about servant leadership, and in there is a quote that “the greatest among you shall be your servants.” Allie is someone who has served others and helped others serve as well. Whether it be our staff, our mission, our constituents, the State of Louisiana, or the United States of America, she served creatively and tirelessly. She will be greatly missed, but I am looking forward to all that she achieves as she enters the next phase of her career.

TRIBUTE TO DAVID MILLS

Madam President, now let me speak of David Mills, a Louisiana native and a man of tremendous character and deep faith who has served for 5 years on my staff. He came to Washington because he felt called to give back to his State and Nation through public service. He was working in Congress for the right reasons, and his work reflected that.

David handled pro-life issues and other legal issues for my office. He was key in last year's impeachment trial as an attorney providing quick, reliable research to supplement my understanding of the testimony that we heard.

David also has the ability just to note something others don't notice and then very gently suggest some modification of how I would handle a situation, and that modification, although nuanced, could be so important, and I really learned to trust those insights.

David also handled privacy issues and has laid the foundation for work that

will continue after he has left us. As society becomes more technologically centered, we must ensure that data privacy laws keep up. David was on the forefront of that, thinking, how do we protect the privacy of consumers?

As I mentioned, this will be an important issue in this upcoming Congress, and just let me be specific. David developed legislation on questions regarding the data that is collected from a wearable, a smartwatch, a contact tracing app, and other information that provides personal health information but which is not covered by current personal health information laws. Our office will continue to build on David's work in those areas, and I thank David for all he has done.

Sometimes people say: Oh my gosh, those folks who are younger than those of us in the Senate—is there something lacking? I can promise you, among these, there is nothing lacking. They are the leaders who will take your place and my place as we pass the baton to the next generation, and, in turn, they shall pass to another to leave our future brighter than it has been in the past.

NOMINATION OF JANET LOUISE YELLEN

Mrs. FEINSTEIN. Madam President, I rise in support of Janet Yellen's nomination to be Secretary of the U.S. Department of the Treasury. I've known Janet since she became president of the Federal Reserve Bank of San Francisco in 2004. I believe she is an excellent nominee for this position.

Janet has an impressive record. She served twice on the Federal Reserve Board of Governors and was the first woman to chair the Fed from 2014 to 2018. She became a professor of economics at the University of California—Berkeley in 1980, she is now professor emeritus. Dr. Yellen served as Chair of the Council of Economic Advisors under President Clinton and has been very active as a distinguished fellow at the Brookings Institution.

As some have joked, Janet's husband of 42 years, George, won the Nobel Prize in Economic Sciences, yet he is only the second-most accomplished economist in his own home.

All of these accomplishments did not come easily for a woman in the male-dominated field of economics.

Out of the 24 students who received doctorates in economics from Yale in 1971, Janet was the only woman. She has been a trailblazer her entire career.

Now, Janet brings the experience and leadership needed at the Treasury Department at this critical juncture.

I believe that Janet understands that the economy is not an abstract series of charts and figures, but a collection of real individuals, families, communities and businesses who need help now.

At the same time, she is pragmatic and recognizes the need for fiscal discipline. I believe she made that clear in her confirmation before the Finance Committee, where I had the honor of introducing her.

In short, she is the ideal candidate to head the Treasury Department at a time when we can afford nothing less. I urge the Senate to confirm her nomination. Thank you.

Ms. COLLINS. Madam President, as we face an economic crisis brought on by COVID-19, we will need steady, proven leadership at the Treasury Department. A highly respected economist, Dr. Yellen served first as Vice Chair and then Chair of the Federal Reserve. She has served under Democratic and Republican presidents and during periods of economic crisis and economic growth.

Last year, I worked with my colleagues to deliver bipartisan relief for those who have been harmed by the pandemic. We addressed the crisis in five bills totaling approximately \$3 trillion. Through subsequent negotiations in November and December on an additional \$900 billion package, we secured a second round of Paycheck Protection Program forgivable loans for the hardest hit small businesses and extended unemployment programs, assistance for schools, vaccine delivery, and more. But additional work remains.

During this crisis, Secretary Mnuchin proved himself to be an able partner to all of us in delivering this relief. It is my hope that Treasury Secretary-designate Yellen will build on our work. In her testimony before the Senate Finance Committee and during the subsequent questions, Dr. Yellen made clear that she understands these needs.

Our nation's eight living former Secretaries of the Treasury have provided their support for the nomination. I urge the swift confirmation of Janet Yellen to ensure that President Biden has a qualified economic team in place. Thank you.

Mr. VAN HOLLEN. Madam President, I rise today to support the nomination of Janet Yellen, a dedicated public servant and world-renowned economist, as Secretary of the Treasury.

Janet Yellen's extensive background in economics and accomplished career in the field led her to Chair the Federal Reserve, where she served with distinction in the aftermath of the great recession. Ms. Yellen brought a steady hand and wisdom befitting her experience to her responsibilities at the helm of the Federal Reserve, and as a member of the Banking Committee, I always appreciated her frank testimony and thoughtful analysis.

In her new role as Treasury Secretary, she will inherit an economic crisis caused by a mismanaged pandemic. She will be charged not only with providing historic relief in close coordination with Congress, but also with building back better to create the conditions for a dynamic economy that harnesses the potential of each and every American. I am confident in her ability to take on these urgent challenges. I look forward to voting yes on

her nomination and working closely with her in the years ahead to ensure that we build an economy that works for everyone.

Mr. CASSIDY. I yield the floor.

VOTE ON YELLEN NOMINATION

Mr. PETERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the Yellen nomination?

The yeas and nays were ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "nay."

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—84

Baldwin	Hagerty	Padilla
Bennet	Hassan	Peters
Blumenthal	Heinrich	Portman
Blunt	Hickenlooper	Reed
Booker	Hirono	Romney
Braun	Hyde-Smith	Rosen
Brown	Inhofe	Rounds
Burr	Johnson	Sanders
Cantwell	Kaine	Sasse
Capito	Kelly	Schatz
Cardin	Kennedy	Schumer
Carper	King	Scott (SC)
Casey	Klobuchar	Shaheen
Cassidy	Lankford	Sinema
Collins	Leahy	Smith
Coons	Lujan	Stabenow
Cornyn	Lummis	Tester
Cortez Masto	Manchin	Thune
Crapo	Markey	Tillis
Daines	Marshall	Toomey
Duckworth	McConnell	Van Hollen
Durbin	Menendez	Warner
Ernst	Merkley	Warnock
Feinstein	Moran	Warren
Fischer	Murkowski	Whitehouse
Gillibrand	Murphy	Wicker
Graham	Murray	Wyden
Grassley	Ossoff	Young

NAYS—15

Barrasso	Cruz	Risch
Blackburn	Hawley	Scott (FL)
Boozman	Hoeben	Shelby
Cotton	Lee	Sullivan
Cramer	Paul	Tuberville

NOT VOTING—1

Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The senior Senator from Minnesota.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to legislative session and

be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska.

CONFIRMATION OF JANET LOUISE YELLEN

Mr. SULLIVAN. Madam President, I am going to be one of the first Senators to congratulate Dr. Yellen, now Secretary Yellen, to be Secretary of the Treasury of the United States.

You saw it was a strong vote, and there is no doubt that she has the credentials, the experience, the qualifications to be Secretary of the Treasury—former Chairman of the Fed. I mean, her resume is off the charts.

I know her nomination is historic for so many women across the country, including my three daughters. I am mentioning this because I certainly intended to vote for now-Secretary Yellen, and I was a “no” vote.

I want to explain my “no” vote because I had a very good conversation with her just the other day. We covered a whole bunch of topics—everything from Alaska Native corporations to the strength of the dollar, to our debt and deficit—big macroeconomic issues that are important to the country, particularly as we are in a recession. It is important to my State.

But we got to the topic of energy. We got to the topic of energy, and, reluctantly, I am saying this now because I was a bit shocked that despite a long, robust discussion, it was very difficult to get her, from my perspective, to commit to being a Secretary of the Treasury, the most important economic player in any Cabinet in any government—in the U.S. Government, besides, of course, the President—to commit to being a strong advocate for a robust, all-of-the-above energy sector for the U.S. economy.

This is not a radical proposition. I would argue that every Secretary of the Treasury since Alexander Hamilton has been a robust supporter of resource development in our energy sector—again, all of it—renewables, oil, gas. And the reason is that it has been such an important driver of economic growth and jobs for pretty much our Nation’s entire existence.

Now that we are in this recession—deep recession—we need good job growth, and we need a strong recovery. To me, having the Secretary of the Treasury be a strong proponent in the debates about policy for the energy sector, I thought, was a no-brainer. As a matter of fact, I think pretty much every Secretary of the Treasury has been that person. Again, in the 2008–2009 recession—the deep, great recession—the No. 1 driver of economic growth and job growth and capital formation for the U.S. economy was the energy sector, and it was supported. Democrats and Republicans, for dec-

ades, have supported a strong energy sector.

But despite a long, respectful debate with now Secretary Yellen, with whom I certainly have a good relationship, I could not get that commitment, which I thought was surprising. As a matter of fact, I thought it was shocking, and it is the reason I reluctantly voted no because, again, she is very qualified.

What is going on here is we are starting to see policies that I believe need a national debate. We are starting to see policies—yes, we all want renewables, clean energy, but we have a really important, strong energy sector.

Prior to the pandemic, we were the world’s superpower of energy again. One of the reasons we won World War II was our energy sector. The men and women who have been producing energy—“all of the above” energy—are great patriotic workers who have been doing it for decades to the benefit of every single American.

We need a debate because what I am starting to see with the new administration, unfortunately—and I have had discussions, and, hopefully, they are not going to go down this path—are Executive actions that are going to target certain sectors of the energy sector, the U.S. economy.

Natural gas. We can be dominant in natural gas for 100 years. We are going to start targeting workers in the natural gas sector?

Oil. I know some people don’t like oil, but it is important.

We can do all of this, but right now, there seems to be hostility toward the sector and the workers and no debate. We should have that debate. It is an important debate. It is really important in my State, but I think it is really important to America.

Every Secretary of the Treasury for the last three, four, five, six, seven decades—since World War II—has always sought the goal of getting America back to energy independence. That is good for jobs. It is good for low-cost manufacturing. It is good to reduce the heating and energy bills of American families. It is good for our national security. It is good for our foreign policy. We are pretty much on the verge of doing this. And now we are going to start to unilaterally disarm?

We have gotten to the point where I can’t find anyone—and I hope I am wrong—in the Biden administration Cabinet who is going to be a proponent of a strong energy sector. Who is it? I was hoping it was going to be the Secretary of the Treasury. Maybe in our long discussion, I misinterpreted where she is going to be on this issue. Pretty much every previous Secretary—Democratic and Republican—in the history of our great Nation has really, really been an advocate for the men and women who work in the sector and for the economic growth it brings and for the help it brings to families and the good jobs it brings. So that is the rationale behind my vote.

Right now, I think we are starting to see, whether with the Keystone Pipe-

line decision or with the men and women in the building trades, who have built this country through hard work, that they are being laid off by the thousands. We had a big scare back home in my State. All weekend, I was working this issue of these Executive orders from the Biden administration, where it looked like it was going to send hundreds of people home, unemployed—oil and gas workers in my State. Why? I hope that is not the case, especially during a recession.

We need a debate on it, and I certainly hope somebody in this administration, in their principals’ meetings, talk about how we get good jobs and a strong working class. I have noticed that the National Security Advisor, Jake Sullivan, keeps talking about basing our policies on working-class families. You can’t get more blue-collar, strong middle class than these energy sector jobs.

I, certainly, want to have a good, constructive relationship with the Secretary of the Treasury and her team, but given the people I represent and what I am starting to see right now, I could not in good conscience vote yes when, on the basic question of “Are you committed and will you be a strong advocate for a strong energy sector—you name it: renewables, natural gas, wind, solar—all of the above?” I couldn’t get that commitment. I reluctantly voted no on someone who has a background and experience in these other areas that are important for the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I have hastened to the floor because I was upstairs, waiting for the House managers to bring the article over, and I heard my friend, the distinguished Senator from Alaska, talking about his concern about the fossil fuel part of the energy sector and his dissatisfaction with what the Secretary of the Treasury was able to assure him of in that regard.

I just wanted to note that I missed a moment of the Senator’s remarks when I came walking down here, but as best as I could tell, the Senator never mentioned the term “climate change,” and he never referenced “carbon emissions.” I have to say, if we are going to deal with our energy sector, we have to deal with it in a way that takes into account carbon emissions and climate change. You can’t just whistle past those things and pretend that they are not real and act as if we can continue to go forward in the way we always have—releasing carbon dioxide in the atmosphere, poisoning our oceans with acidification, warming the planet, and putting coastal communities like mine at grave risk from sea level rise and storm surge. We have to address those things.

As we go forward in this new Congress, I very much hope that my friend Senator SULLIVAN and I will be able to work together to address that exact problem to make sure that not only is our energy mix strong for our economy but to make absolutely sure that we are not sacrificing the safety of our planet, the economic security of our future generations, and the health of people all around the planet who have, really, no choice but to live close to the land and feel the pounding of climate change in their immediate lives every day. We have to address those things, and I hope we will.

So, in having heard his side of the argument, I just wanted to come back to the floor and offer the other side. Somewhere between us there is a resolution because I know perfectly well that the State of Alaska is getting hit by the acidification and warming side and by the sea level rise and storm surge side of this problem, just as much as Rhode Island is. Perhaps, because, as my friend constantly reminds me, Alaska has a huge advantage of size over Rhode Island, one could even imagine that it is having more of an effect than Rhode Island.

So with those comments and with affection and regard for my colleague from Alaska, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, as a lot of our colleagues here know, Senator WHITEHOUSE is not just a distinguished Senator but one of my very good friends here in the U.S. Senate. So I always respect what he has to say, and I appreciate his words. He and I have done a lot of work—some key work, particularly on issues of the environment and cleaning up our oceans—ocean acidification—and I look forward to continuing to work with him. Climate change is also, certainly, happening in my State. We are seeing it. No doubt about it.

My point is we have an economy that is in recession, and you have tens of thousands—literally, hundreds of thousands—of people out of work, and you have a sector that is important—critical, actually—the energy sector. There is no doubt about it. I know we can use words like spewing and polluters, but the energy sector has been one of the things that has made this country so strong, with great jobs—middle-class jobs—and people can't deny that. All I am asking for is for the new Secretary of the Treasury to look at that.

We are looking at the whole U.S. economy and the strength of our recovery and good-paying jobs. That has to be taken into account. What I worry about is that it is not. We need a debate, and I would welcome it with my good friend on: What is the strategy? The strategy out of the box can't be that we are going to go after these oil and gas jobs and put people out of work. And replace it with what?

We had a hearing in the Commerce Committee with the new, incoming

Transportation Secretary. A lot of people asked: Well, what are you going to replace it with? What are you telling the 10,000 guys who just lost their jobs on the Keystone Pipeline their new jobs are going to be? They have mortgages and tuitions to pay. They are out of work right now. So we need a strategy.

Look, I look forward to working on all of these issues with my good friend from Rhode Island, but it is, I think, a first. If you look back at the great history of this Nation, if you don't have a U.S. Treasury Secretary or other members of the Cabinet who are for a robust, strong energy sector—which, of course, would include renewables—that is new, that is different, and, I think, it is very troubling, particularly as it relates to the jobs that, I think, are going to be sacrificed on a policy and a strategy that I have not seen the meat and bones of yet. I am just seeing the damage, and a lot of the damage is starting to happen to the people I care about, particularly in my State, who work in these sectors and who are great Americans who have helped build this country and build my State. We can't just disregard them and say: Don't worry; you are going to get a green job later.

It is tough to tell people that. It is tough to tell people that when they have mortgages and tuitions, and we are relying on them.

So I commit to continuing to work on these issues and others with my friend from Rhode Island. I appreciate his coming down here, but I wanted to explain my vote on an issue that I think we need to debate here in the Senate that is important for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I would just close by suggesting that perhaps my friend, the Senator from Alaska, can sympathize, since he fears that the interests that he came to the floor here to defend will not be listened to. Perhaps he can sympathize with the fact that, for 4 years, an entire administration wouldn't give the time of day to the sea level rise concerns that are threatening my State. We are talking about Freddie Mac. We are talking about a property value crash across all of our coasts that is going to cause enormous harm to Rhode Island, and we just left an administration that wouldn't pay one iota of attention to that. It had fossil fuel industry climate deniers, and there is such a thing. Not everybody in the fossil fuel industry is that way, but they picked the bottom feeders to bring into government.

I share the Senator's frustration, but let me say I have got it about 10,000 times over after having lived with the Trump administration for the past 4 years and gotten nothing and after having tried to bring serious climate debate to the floor, knowing that the

Republican leader was going to block it. So, yes, I sympathize with his distress, and I hope he sympathizes with my, rather, greater, cumulative distress from the last 4 years.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The hour of 7 p.m. having arrived, the Acting Sergeant at Arms will present the managers on the part of the House of Representatives.

EXHIBITION OF ARTICLE OF IMPEACHMENT AGAINST DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES

At 7:03 p.m., the managers on the part of the House of Representatives of the impeachment of Donald John Trump appeared below the bar of the Senate, and the Acting Sergeant at Arms, Jennifer Hemingway, announced their presence, as follows:

Mr. President and Members of the Senate, I announce the presence of the managers on the part of the House of Representatives to conduct the proceedings on behalf of the House concerning the impeachment of Donald John Trump, former President of the United States.

The PRESIDENT pro tempore. The managers on the part of the House will be received and escorted to the well of the Senate.

The managers were thereupon escorted by the Acting Sergeant at Arms of the Senate, Jennifer Hemingway, to the well of the Senate.

The PRESIDENT pro tempore. The Acting Sergeant at Arms will make the proclamation.

The Acting Sergeant at Arms, Jennifer Hemingway, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States an Article of Impeachment against Donald John Trump, former President of the United States.

The PRESIDENT pro tempore. The managers on the part of the House will proceed.

Mr. Manager RASKIN. Mr. President, the managers on the part of the House of Representatives are here and present and ready to present the Article of Impeachment which has been preferred by the House of Representatives against Donald John Trump, former President of the United States.

The House adopted the following resolution, which, with the permission of the Senate, I will read.

HOUSE RESOLUTION 40

In the House of Representatives, U.S., January 13, 2021.

Resolved, That Mr. Raskin, Ms. DeGette, Mr. Cicilline, Mr. Castro of Texas, Mr. Swalwell, Mr. Lieu, Ms. Plaskett, Mr. Neguse, and Ms. Dean are appointed managers to conduct the impeachment trial against Donald John Trump, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

NANCY PELOSI, Speaker of the House of Representatives.

With the permission of the Senate, I will now read the Article of Impeachment, House Resolution 24.

HOUSE RESOLUTION 24

In the House of Representatives, U.S., January 13, 2021.

Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Resolved, that Donald John Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following article of impeachment be exhibited to the United States Senate:

Article of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald John Trump, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I: Incitement of Insurrection

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors". Further, section 3 of the 14th Amendment to the Constitution prohibits any person who has "engaged in insurrection or rebellion against" the United States from "hold[ing] any office . . . under the United States". In his conduct while President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Con-

stitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald John Trump engaged in high Crimes and Misdemeanors by inciting violence against the Government of the United States, in that:

On January 6, 2021, pursuant to the 12th Amendment to the Constitution of the United States, the Vice President of the United States, the House of Representatives, and the Senate met at the United States Capitol for a Joint Session of Congress to count the votes of the Electoral College. In the months preceding the Joint Session, President Trump repeatedly issued false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by the American people or certified by State or Federal officials. Shortly before the Joint Session commenced, President Trump, addressed a crowd at the Ellipse in Washington, DC. There, he reiterated false claims that "we won this election, and we won it by a landslide". He also willfully made statements that, in context, encouraged—and foreseeably resulted in—lawless action at the Capitol, such as: "if you don't fight like hell you're not going to have a country anymore". Thus incited by President Trump, members of the crowd he had addressed, in an attempt to, among other objectives, interfere with the Joint Session's solemn constitutional duty to certify the results of the 2020 Presidential election, unlawfully breached and vandalized the Capitol, injured and killed law enforcement personnel, menaced Members of Congress, the Vice President, and Congressional personnel, and engaged in other violent, deadly, destructive, and seditious acts.

President Trump's conduct on January 6, 2021, followed his prior efforts to subvert and obstruct the certification of the results of the 2020 Presidential election. Those prior efforts included a phone call on January 2, 2021, during which President Trump urged the secretary of state of Georgia, Brad Raffensperger, to "find" enough votes to overturn the Georgia Presidential election results and threatened Secretary Raffensperger if he failed to do so.

In all this, President Trump gravely endangered the security of the United States and its institutions of Government. He threatened the integrity of the democratic system, interfered with the peaceful transition of power, and imperiled a coequal branch of Government. He thereby betrayed his trust as President, to the manifest injury of the people of the United States.

Wherefore, Donald John Trump, by such conduct, has demonstrated that he will remain a threat to national security, democracy, and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. Donald John Trump thus warrants impeachment and trial, re-

moval from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

NANCY PELOSI, Speaker of the House of Representatives.

Mr. President, that completes the exhibition of the Article of Impeachment against Donald John Trump, President of the United States. The managers request that the Senate take order for the trial. The managers now request leave to withdraw.

The PRESIDENT pro tempore. Thank you, Mr. Manager RASKIN. The Senate will duly notify the House of Representatives when it is ready to proceed with the trial.

You may proceed to depart.

The majority leader.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. SCHUMER. Madam President, I ask unanimous consent that notwithstanding Rule III of the Senate Rules of Impeachment, at 2:30 p.m. tomorrow, January 26, 2021, the Senate proceed to the consideration of the Article of Impeachment of Donald John Trump, former President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 15, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 15) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 15) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

REMEMBERING PAUL SARBANES

Mr. LEAHY. Madam President, all of us in this body mourn the recent passing of former Senator Paul Sarbanes. Those of us who served with him have known him as one of the finest and most accomplished Senators with whom we have served. And what a great pleasure it was to work with him, on so many issues.

In addition to his impressive legislative accomplishments, Paul Sarbanes was one of the Senate's keenest interrogators and one of the Senate's finest orators. In the Senate community, most of all we knew him for his wit, for his warmth and kindness, and for his decency.

I would like to call to the Senate's attention an insightful remembrance of Senator Sarbanes by Paul Glastris that was published this month by the Washington Monthly.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Monthly, Jan. 1, 2021]

REMEMBERING PAUL SARBANES

HOW WIT, INTEGRITY AND EXPERTISE MADE AMERICA'S FIRST GREEK AMERICAN SENATOR A BEHIND-THE-SCENES WASHINGTON POWER PLAYER.

(By Paul Glastris)

There have been many fine tributes to former U.S. Senator Paul Sarbanes of Maryland, who passed away December 6 at age 87. These encomiums invariably note the near universal high regard he enjoyed in Washington for his intelligence, integrity, humor, and accomplishments—the latter consisting mostly of liberal legislation he managed, via his other attributes, to get Republicans to support. They include, while a young House member, the articles of impeachment against Richard Nixon and, in the Senate, the Sarbanes-Oxley Act of 2002, which toughened regulations and created government oversight of corporate accounting practices after the Enron debacle. He also served on the Senate Foreign Affairs Committee for decades with Joe Biden and was a boss and mentor to a number of the president-elect's senior advisors, including Antony Blinken, his nominee for secretary of state.

But I want to focus on another set of his deeds, ones associated with his role as the leading Greek American in Congress. They begin with what has come to be known as the “Sarbanes Rule.”

The rule dictates that “any Greek American awards dinner should conclude on the same day it begins.” The Senator devised this dictate after patiently sitting through countless such dinners. They would go on interminably due to the fact that the organizers, wanting to acknowledge as many benefactors as possible, would bring to the podium a speaker (usually a wealthy Greek-American businessman) whose job it was to introduce another such speaker, who would then introduce another speaker, who would finally present the award to the person who would then speak, typically at some length (these are Greeks we're talking about).

Since multiple honors were bestowed on any given evening, the result was awards ceremonies that began with cocktails at 6 PM but wouldn't end until well after midnight. At which point the priest would give the benediction, the color guard would march the U.S. and Greek flags out of the

ballroom, the bouzouki band would come out, and everyone would dance for several more hours. Having attended these events regularly in DC from the 1990s until COVID-19, I can attest that after the Senator introduced his rule about a decade ago, the proceedings tightened considerably, with the dancing commencing at a more civilized 10 PM.

It was at one of these dinners that I got to know Sarbanes personally when my late wife Kukula found herself seated next to him. She asked him what kind of cocktail he liked and went to the bar to fetch it. The two of them spent the rest of the evening animatedly chatting about foreign affairs—Kuku, a journalist and the daughter of a diplomat, had strong and informed views on the subject. Our hosts Manny and Marilyn Rouvelas must have noticed, because the next year the place cards showed that Kuku was again seated next to the Senator. When she saw Sarbanes walk into the ballroom, she went to the bar and, remembering his drink of choice (it was one of her superpowers), had it waiting for him when he arrived at the table. He was charmed and delighted; she felt the same about him. For years thereafter the two of them were annual dinner mates. There were far more powerful people in the room than Kuku, but the fact that Sarbanes was content to spend the evening talking with her told me everything I needed to know about his character.

“Unlike many of his contemporary officeholders, Mr. Sarbanes was uncomfortable with the backslapping, glad-handing and grandstanding that often go with public office,” his Washington Post obituary reads. “He avoided the social and party circuit in the nation's capital and rarely spent a night in Washington, preferring instead to drive home to his wife and children in Baltimore.” At these Greek dinners, however, Sarbanes was in his element. While other politicians would drop by (it was a target-rich donor environment), he would stay for hours, chatting with the scores of people who would come to the table to meet him, then eventually excusing himself to work the room, table by table, shaking every hand.

The way he brought order to those dinners with his Sarbanes rule is a small illustration of what made the Senator effective and respected in Washington. Born to Greek immigrant restaurant owners in 1933, Sarbanes earned scholarships and degrees from Princeton, Oxford, and Harvard. He had an intellectual gift for getting to the heart of knotty problems and formulating wise solutions with a wit that put his colleagues at ease. He deployed this genius throughout his career, often in the service of selling unpopular but vitally necessary policies like the return of the Panama Canal. As former Democratic Senate leader Thomas Daschle told the New York Times, when “trying to persuade the caucus to do something difficult, I would use Paul to bring it home, to close the argument.”

In the Greek American community he is most remembered for spearheading—along with another young Greek-American congressman, John Brademas—a 1974 House effort to cut off U.S. arms sales to Turkey after that country invaded and occupied the independent majority-Greek-speaking nation of Cyprus. The Nixon and Ford administrations fiercely opposed the legislation because Turkey, a NATO ally, shared a militarized border with the Soviet Union. But Sarbanes, Brademas, and others in the newly-activated Greek American community countered on not only moral but legal grounds: U.S. statute, they correctly noted, specifically required the administration to cut off arms sales to any country that used such weapons offensively.

Several of the multiple House votes to pass the embargo and then override a presidential veto succeeded by only a one-vote margin, recalls Andy Manatos, then an aide to Senator Tom Eagleton, who was successfully championing similar embargo legislation in the Senate. “It would never have passed in the House without the esteem Paul and John enjoyed,” says Manatos, now the dean of Greek-American lobbyists, adding that Sarbanes and Brademas were two of the three Rhodes Scholars then serving in that body.

The Turkish arms embargo—the first time in modern U.S. history that Congress successfully overturned the White House on a major foreign policy issue—lasted three and a half years before the Carter administration managed to get it repealed. But it was replaced by an agreement in Washington to sell arms to Greece and Turkey on a 7-to-10 basis in order to achieve a military balance in the Aegean, an agreement Sarbanes vigorously defended for years after.

Being seen as a fierce advocate for your own minority ethnic constituency can be risky for any politician seeking higher office. Sarbanes managed to pull it off in 1976 when he became the first Greek American elected to the U.S. Senate (he would be followed by Paul Tsongas and Olympia Snowe). He was hardly a radical on the issue. “I met today with a number of Cypriot foreign ministers” he would joke to friends after rebuffing, say, a group of Greek diner owners demanding he take stronger actions than the Cypriot government itself wanted. But over the subsequent decades, through constant study and engagement with experts on the region, he built a reputation as the man to see on anything regarding the Eastern Mediterranean—from Turkish air threats to Greek territory in the Aegean to the besieged Greek Orthodox patriarchate in Istanbul. Greek prime ministers sought his counsel. So too did U.S. presidents, secretaries of state, and senior diplomats. “In that cerebral way of his, he would analyze the whole situation and explain to people what to do, who to talk to, what to be careful of,” recalls Manatos. “He was hands down far ahead of anyone else in Congress in his thinking about these issues.”

People underestimate, especially in the age of Trump, the degree to which knowledge can be power in Washington. Sarbanes did not. He “studied issues himself rather than rely on staff talking points,” recalls John Sitalides, who worked with the Senator as a GOP staffer on the Senate Banking Committee before starting the Western Policy Center, a security think tank focused on the Eastern Mediterranean. His mastery of substance gave Sarbanes “the freedom to argue and discern based on his own knowledge,” says Sitalides, which in turn earned him the confidence of Senators on both sides of the aisle. That kind of power is typically witnessed only by insiders, though public glimpses of it can sometimes be caught. Nick Larigakis, executive director of the American Hellenic Institute, notes that Sarbanes could be “relied upon to ask the tough and probing questions” on issues important to Greek Americans at confirmation hearings for US ambassadors to the region—an effective way to keep Foggy Bottom on its toes.

If Sarbanes' mind was legendary, so too was his rectitude. He managed a 40-year career in politics—from his first election to the Maryland House of Delegates in 1967 to his retirement from the U.S. Senate in 2007—without a hint of personal scandal. That's no small feat for someone who rose through the often-corrupting culture of Maryland politics (Spiro Agnew, another Greek American politician from Maryland, was not so careful). Sarbanes enjoyed a 48-year marriage to his wife Christine, who passed away in 2009.

And he was famously averse to raising money, even for his own campaigns. (His son John Sarbanes, who represents his father's old congressional district, has carried on that tradition by sponsoring the House's leading campaign finance reform legislation.) Indeed, much of the Senator's career success was due to his savvy longtime chief of staff Peter Marudas, another Greek American who could not only go toe to toe with Sarbanes on the issues but ably manage the more transactional demands of his office.

Joe Biden has spoken optimistically—naïvely in the opinion of many—about his ability as president to work productively with Mitch McConnell and other Republicans on substantive issues. To the degree he honestly believes that, it is because he has done so in his own career, and watched others, like Paul Sarbanes, do so as well.

After the Senator died, Biden tweeted: “Paul Sarbanes and I served together on the Foreign Relations Committee for 30 years. There was no one sharper, more committed, or with firmer principles. And he, too, returned to his family nearly every night. They meant the world to him. Rest In Peace, Paul.”

“DOMESTIC TERRORISM IN THE CAPITOL”

Mr. LEAHY. Madam President, what our Nation witnessed and what Members of Congress and the dedicated staff that work in the Capitol witnessed on January 6 was a deadly attack on one of our most sacred and historic constitutional duties: the count and final certification of the results of our Presidential election. The violent insurrection that occurred in the Capitol, which took the lives of five people, including an officer of the U.S. Capitol Police, was an attack on our democracy. The votes cast in the 2020 Presidential election were counted and recounted. The results were challenged in the courts and ultimately were certified in every single State. Yet, citing the baseless chant that the election was “stolen,” an angry and violent mob stormed the Capitol in an effort to suspend the democratic process, overturn the will of the American people, and ensure that now-former President Trump remained in office. These insurrectionists vandalized the very heart of our government and threatened and harmed those sworn to protect it.

In a column in the *VT Digger*, Haviland Smith, a Vermonter and the first chief of counterterrorism operations for the Central Intelligence Agency, makes the strong case that the insurrection on January 6 was an act of domestic terrorism. I am certain that the FBI and the Department of Justice will continue to investigate and, where appropriate, to file charges and hold these people to account. But in this Chamber, we must heed Mr. Smith's wisdom. As legislative body, as public servants, we must reckon with the lies and anti-democratic discourse that fueled this attack and work to ensure that such an act of domestic terrorism never occurs again.

I ask unanimous consent that the piece written by Haviland Smith, titled “Domestic Terrorism in the Capitol,” be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *VT Digger*, Jan. 8, 2021]

DOMESTIC TERRORISM IN THE CAPITOL

(By Haviland Smith)

It is a fact that the best, noblest political movements often attract the worst kind of violent participants. These people barge in and commit the kinds of violent acts that ultimately change the focus of a previously benign movement to violent terrorist activities. These are viewed quite differently and are generally punished more severely than normal criminal activities.

That is what we are seeing today in the United States. Whether you agree with their goals or not, the vast majority of Trump supporters are non-violent Americans who seek basic changes in American life. They plan to reach their goals by supporting Trump. Right now, that means demonstrating peacefully on his behalf and agreeing with and backing his claims of fraud in the 2020 presidential election which he lost to Joe Biden.

The other part of this picture is the violent one. There is unquestionably a smaller group or groups who, for whatever reasons, see these peaceful demonstrations as an opportunity to raise havoc, to partake in the only form of protest that turns them on—violence.

What none of these folks seem to realize is that in the commission of felonies (entering the U.S. Capitol forcefully, etc.) in the pursuit of political goals (the illegal participation in maintaining Trump in power) they qualify nicely for classification as terrorists.

At one point during the invasion of the Capitol, it was announced by the TV commentators that the invaders were beginning to leave the area. Careful examination of the TV footage at the time shows that the people leaving the area were old, often female—a less fit, less bellicose group. In fact, they were the Capitol invaders who had no intention of getting involved in what clearly was becoming a potentially violent situation. They simply were not up to it politically, mentally or physically.

On the other hand, who stayed behind? Those who were actively interested in becoming involved in violence. Did you notice how many of them wore helmets? The only reason you wear a helmet is to protect yourself from violent attacks on your head and that is clearly what they were doing. They anticipated participating in violence. In addition, the stay-behinds were a major cut in age below those who were leaving. They were the sort who could climb vertical walls, break through windows and throw projectiles at the protecting police force. The fact that 5 people died, over 80 were arrested, and 50 police officers were injured bears eloquent testimony to the fact that this was a terrorist invasion encouraged by the sitting President of the United States, his family members and Republican colleagues.

Ever since the results of the November election became known, the President has created and maintained the fiction that widespread fraud was involved in the Biden win. Whether Trump knows that his major premise is all lies (which would make him a calculating criminal) or doesn't know that his positions are all lies (making him deranged) is almost irrelevant. In either case, calculating or deranged, he is a strangely questionable choice for leader of this country.

Terrorism is the use of fear (terror) and acts of violence to intimidate societies, governments or ideologies. Domestic terrorism is a form of terrorism in which victims with-

in a country are targeted by a perpetrator with the same citizenship” as the victims.

It is worth noting that in the middle of the January 6 invasion, the FBI became involved, presumably on the basis of a logical conclusion that they were looking at an act of domestic terrorism. The FBI's definition of domestic terrorism is “violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial or environmental nature.”

It is clear that the invasion of the Capitol building involved criminal activity. It is equally clear that if the criminals are to be identified and tried for their crimes, as has been clearly stated by all the government elements involved, it will be the FBI that will lead the way. They are, after all, the premier law enforcement organization in the United States. As such, they are most likely to be the only organization capable of resolving the many complicated issues involved in this crime, most emphatically including the issue of domestic terrorism, its initiators, motivators and perpetrators.

THE POWER OF HUMAN CHOICES

Mr. LEAHY. Mr. President, amid the chaos of the last 4 years, it is almost difficult to parse out the particular challenge that was 2020. Faced with deadly pandemic wrought by COVID-19 and the ensuing economic crisis, millions of Americans lost their jobs and found themselves in a newfound state of uncertainty and instability. Hundreds of thousands of Americans have died from the pandemic, and millions have been infected. Meanwhile, families across the country have lost their homes and businesses due to worsening hurricanes, floods, and wildfires brought on by intensifying climate change. And there are socioeconomic challenges, too, that linger and grow due to inequality, political division, and racial injustice, all things that have defined the last year.

George Will poignantly wrote on January 1 in the *Washington Post* about the challenges we faced throughout the past year and will continue to face moving forward. In his piece, Mr. Will highlights a greater overarching challenge as well: that we, as humans, do not have all encompassing control over our circumstances. There are greater forces in play; yet our choices and decisions can dictate to some degree the impact of those forces.

As we begin our work in the 117th Congress, I hope we can come together to better equip our families, communities, and society to respond to our current challenges and prepare our country to effectively combat similar challenges in the future.

I ask unanimous consent that Mr. Will's column, “2020 was a booster shot against human hubris,” be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the Washington Post, Jan. 1, 2021]

2020 WAS A BOOSTER SHOT AGAINST HUMAN HUBRIS

(By George Will)

The plague year 2020 was yet another brutal rejoinder to the belief that brute forces can be pushed to the margins of, and eventually out of, humanity's experience. When today's pandemic recedes, what should linger is a quickened appreciation of the fragility of life and social arrangements. And an awareness that things much worse than covid-19 have happened before, and will continue to happen. The human story is not entirely the 19th-century human choices.

The 1918-19 "Spanish flu," which began in Kansas, killed between 50 million and 100 million people worldwide, lowered U.S. life expectancy by 12 years, and did not spare, as covid-19 largely does, the young. The Black Death—the bubonic plague—of 1346-1353 was much worse, killing 10 percent of the world's population, and more than one-third of Europe's, including 40,000 of London's 70,000 residents.

In the 1980s, AIDS was so shocking because it refuted the complacent belief that infectious disease epidemics had been banished. In 2019, however, 1.7 million people were newly infected with the AIDS virus, and 690,000 people who were already infected died. But of the 38 million living with the virus, 25.4 million were controlling it with antiviral drugs.

Astronomy lowered mankind's self-esteem (we are not the center of the universe), then biology did (our species has an undistinguished pedigree). Geology, too, has disturbed our sense of mastery. Genesis enjoins us to "subdue" the Earth, but this slowly cooling residue of the Big Bang gets a vote. As its continents wander—half an inch to four inches a year, according to plate tectonics—the planet's interior of boiling gas and molten rock occasionally is heard from.

Volcanic eruptions at what is now Yellowstone National Park some 630,000 years ago covered half of what is now the continental United States with ash. When the Indonesian volcano Krakatoa erupted in 1883, sea surges, which killed most of the eruption's eventual 36,000 victims, were felt in the English Channel. Krakatoa, was, however, only one-tenth as powerful as the April 1815 eruption of Indonesia's Mount Tambora, which killed 10,000 instantly—incandescent ash flowed 100 miles per hour—and generated winds that uprooted trees. Particulate matter blocking the sun's rays cooled the Earth: Water froze in some American cisterns on July 4. Today, a large majority of the one-eighth of the nation's population that lives in California resides near the San Andreas fault, and the question is not if but when it will lurch catastrophically.

A U.S. satellite poised between Earth and the sun can provide perhaps a 45-minute warning if the sun is going to plunge the planet into darkness. On Sept. 2, 1859, before there were light bulbs, a coronal mass ejection (CME) of 100 million tons of charged particles thrown off by the sun only produced spectacular sunsets. If—actually, when—it happens again, it can produce chaos in our thoroughly electrified, digitized world by induced electric currents: no functioning satellites, telephonic communications, water pumps, financial transactions, hospitals. No Netflix. That got your attention.

On March 13, 1989, a CME solar storm turned out the lights in the entire Canadian province of Quebec. Three days earlier, a NASA astronomer says, scientists had noticed "a powerful explosion on the sun. Within minutes, tangled magnetic forces on the sun had released a billion-ton cloud of gas. It was like the energy of thousands of nuclear

bombs exploding at the same time. The storm cloud rushed out from the sun, straight towards Earth, at 1 million miles an hour." This geomagnetic storm struck the Earth the evening of March 12, creating "electrical currents in the ground beneath much of North America," crashing Quebec's power grid.

There are those who believe in a benevolent God because Earth, as they see it, is "biophilic," meaning friendly to life. They must, however, reckon not only with non-biophilic things (saber-toothed tigers, volcanoes, typhoons, viruses, etc.), but also with the fact that this (meaning: everything) is not going to end well. The universe will either continue to expand, ending in life-extinguishing cold, or will collapse into incinerating heat.

Meanwhile, here is some (sort of) good news, from the Economist. In history's bloodiest century, the last one, 100 million to 200 million people died as a result of war. Measles killed in the same range, influenza near the top of the range. Smallpox, however, killed 300 million to 500 million.

The eradication of smallpox, by globally coordinated vaccination campaigns, "stands as one of the all-time-great humanitarian triumphs."

Human choices cannot subdue all the brute forces that always lurk. Choices can, however, make a difference. And they can dignify us, a thinking, coping species.

NOMINATION OF ANTONY JOHN BLINKEN

Mrs. FEINSTEIN. Madam President, I rise to speak in support of Tony Blinken's nomination to be Secretary of State.

I support Tony for Secretary of State for three key reasons. First, he has the diplomatic skills that our country needs at this pivotal moment to regain our leadership on the world stage. From 2015 to 2017, he served as Deputy Secretary of State, the Nation's second highest ranking diplomat. In that position, he helped lead U.S. efforts to combat terrorism, address rising concerns in Asia, and respond to Russian regional aggression. He is a crisis-tested leader who will hit the ground running at the State Department with critical knowledge and relationships with leaders worldwide.

Second, Tony has a longstanding and trusted personal relationship with President Biden that will enable him to advise the President on key foreign policy issues. During President Obama's first term in office, he was National Security Advisor to then-Vice President Biden. Previously, Tony served as the Democratic staff director for the Senate Foreign Relations Committee for 6 years when then-Senator Biden was committee chairman. It is because of his relationship with President Biden and his career as a public servant that Tony understands that the job of Secretary of State is not just to serve the American people, but to help improve the lives of people struggling all over the world.

Last but certainly not least, Tony has the experience of serving at the State Department that will help him rebuild the Department, recruiting needed Foreign Service Officers and ci-

vilians, ensuring State personnel have the training they need to be effective in their mission, restoring morale throughout the Department, and empowering our diplomats to speak on behalf of him and President Biden.

Tony will help our country repair the damage of the last 4 years and restore the United States as a leader and trusted ally. I look forward to working with him to advance our mutual objectives of promoting peace and security, and I urge my colleagues to vote in favor of his confirmation.

Thank you.

CONFIRMATION OF LLOYD JAMES AUSTIN

Mr. VAN HOLLEN. Madam President, I was proud to vote in support of Lloyd Austin to serve as our next Secretary of Defense. I cast my vote with confidence that he will capably lead the Department of Defense through this difficult period in our Nation's history.

As a four-star general, Lloyd Austin was tasked with leading the drawdown of American troops from Iraq and helped bring 150,000 U.S. soldiers home. He demonstrated the logistical mastery that will be necessary to help lead the nationwide effort to vaccinate against COVID-19. Through his remarkable life and trailblazing career, he has gained the experience and perspective required of this office, and now, he has broken one more barrier as the first African-American Secretary of Defense in our Nation's history. I am confident he will ensure that our Armed Forces reflect and respect the diversity of our Nation and that everyone in our military upholds the oath they take to protect our Constitution.

I have made no secret of my concerns about the troubling trend of Congress granting waivers to allow recently retired officers to serve as Secretary of Defense, and I voted against such a waiver for Lloyd Austin as I did when that question was previously put before the Congress. Nevertheless, I believe once Congress speaks on the issue of a waiver, each Senator must evaluate the nominee on his or her merits alone. By that measure, Lloyd Austin is superbly qualified. He has the confidence of the President and is the right person for this moment. I support his confirmation.

ADDITIONAL STATEMENTS

REMEMBERING BARBARA HARDCASTLE

• Mr. BOOZMAN. Madman President, I rise today to honor the life of Mrs. Barbara Hardcastle, who passed away on January 13, 2020, at the age of 94.

Mrs. Hardcastle was trailblazer and a fierce advocate for her community and her State. A native of Fort Smith, AK, she also made her mark in politics and government in California. I was honored to know her, and so I join her friends and family in grieving her loss.

Barbara Turner was born in Fort Smith on April 6, 1927. She graduated from Fort Smith High School in 1944 and went on to earn a bachelor's degree from Fort Smith Junior College. She

married Ben Hardcastle, a banker and World War II veteran, in 1947, and they would spend almost 63 years together before his passing in 2010.

Early in their married life, Ben accepted a job at the Beverly Hills Savings and Loan, so they moved to North Hollywood, CA. They immediately became active in their local church and, as a result, made friends with many Hollywood actors, including Ronald and Nancy Reagan.

Their friendship with the Reagans led to Barbara's involvement in California politics, including playing a key role in his race for Governor of California. She is also credited by many as having introduced the future President to Jelly Belly candy as he attempted to stop smoking. Friends and family say she kept him stocked with the company's signature jelly beans throughout his Presidency.

During their time in California, Barbara became an ordained minister and public speaker. She was also a trail-blazing professional, serving as a supervisor and one of the first female executives with the Federal housing agency, Fannie Mae.

Ben and Barbara decided to retire in 1991 and returned to Arkansas, where they continued to be active in local, State and national politics. In addition to helping candidates for all levels of public office, Barbara used her experience to make a difference in the community.

I had many opportunities to work with Barbara over the years, but no occasion stands out more than her determined efforts on behalf of the 188th Fighter Wing when its future was threatened by the Base Realignment and Closure Commission, BRAC. She used her organizing skills to rally the community and show visiting BRAC committee members how strong support was for the base. Her leadership and industry helped save the Wing and bring more opportunity to the region.

Barbara was truly a force. Her strong values, hard work, wonderful sense of humor and personal conviction made a difference. I am grateful to have counted her as a friend and hope her legacy will continue to inspire young Arkansans to fight for their communities and their causes with the same determination that she did throughout her life.●

REMEMBERING GARY SPEARS

● Mr. BOOZMAN. Madam President, I rise today to honor the life of an outstanding Arkansan and Cleveland County leader, Judge Gary Spears. After a multiyear battle with cancer, Judge Spears passed away on January 10, 2021.

Judge Spears grew up on a small farm in New Edinburg, AR, and graduated with honors from New Edinburg High School in 1987. He attended the University of Arkansas at Monticello, where he studied agricultural business before marrying his wife Melody. The couple moved to Warren, AR, where

Judge Spears worked as a distributor for Big R Ice. The couple eventually returned to New Edinburg in 1996 and purchased the New Edinburg County Store, which they operated together for 10 years.

In 2007, Judge Spears was elected Cleveland County Judge, marking the start of an illustrious 14-year career as the longest serving county judge in county history. His undeniable leadership while presiding over Cleveland County had ripple effects that extended beyond the county borders and brought tremendous benefit to the entire State. A few recent and notable achievements during his tenure include successful efforts to ensure an accurate 2020 census count for Cleveland County and directly overseeing the county's finances during the COVID-19 pandemic by authorizing and approving the disbursement of funds.

Representing the citizens of Cleveland County was a clear passion for Judge Spears. He was also dedicated to farming. On the exact 10-acre plot that his father once farmed, Judge Spears worked diligently to continue his family's unique tradition of "truck-patch farming." He grew various crops, including tomatoes, beans, peas, squash, cucumbers, watermelons, peppers, and much more. In fact, his family's agriculture operation gained deserved recognition in 2019 when they were named Cleveland County Farm Family of the Year.

Judge Spears leaves behind a lasting legacy thanks to the confidence entrusted in him by his Cleveland County constituents. I am confident his selfless leadership as a Cleveland County judge, businessman, and family farmer will guide and inspire future generations of Arkansans.●

TRIBUTE TO GARLAND SHEPHEARD

● Mr. TILLIS. Mr. President, I rise today to pay tribute to Garland Shephard, who retired as the North Carolina House sergeant-in-arms at the beginning of the year. Mr. Shephard is a proud North Carolinian who was committed to keeping North Carolina legislators safe.

Garland Shephard is a lifelong resident of Tarboro, NC, where he resides with his wife Betty Jo. Mr. Shephard was successful car salesman and additionally served as Edgecombe County Republican Party chairman. He also served two terms on the Tarboro Town Council and has contributed a lifetime of service to his community.

Before representing North Carolina in the U.S. Senate, I had the pleasure of interacting with Mr. Shephard serving as North Carolina speaker of the house. Widely known for his brightly colored jackets and distinct Eastern North Carolina accent, Garland was loved by members from both sides of the aisle.

As the U.S. Senator from North Carolina, I am grateful for Garland's service

to our State and Nation. I hope he enjoys his much-deserved retirement back in Eastern North Carolina, and we will never forget his commitment to keeping North Carolinians safe.●

EXECUTIVE REPORT OF COMMITTEE ON FRIDAY, JANUARY 22, 2021

The following executive report of a nomination was submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Janet Louise Yellen, of California, to be Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

MESSAGE FROM THE HOUSE

At 7:12 p.m., a message from the House of Representatives, delivered by Mr. RASKIN (manager on the part of the House in the matter of impeachment of Donald John Trump), announced that the House has agreed to the following resolution:

H. RES. 24

Resolved, That Donald John Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following article of impeachment be exhibited to the United States Senate:

Article of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald John Trump, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I: INCITEMENT OF INSURRECTION

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors". Further, section 3 of the 14th Amendment to the Constitution prohibits any person who has "engaged in insurrection or rebellion against" the United States from "hold[ing] any office . . . under the United States". In his conduct while President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald John Trump engaged in high Crimes and Misdemeanors by inciting violence against the Government of the United States, in that:

On January 6, 2021, pursuant to the 12th Amendment to the Constitution of the United States, the Vice President of the United States, the House of Representatives, and the Senate met at the United States Capitol for a Joint Session of Congress to count the votes of the Electoral College. In the months preceding the Joint Session, President Trump repeatedly issued false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by

the American people or certified by State or Federal officials. Shortly before the Joint Session commenced, President Trump, addressed a crowd at the Ellipse in Washington, DC. There, he reiterated false claims that “we won this election, and we won it by a landslide”. He also willfully made statements that, in context, encouraged—and foreseeably resulted in—lawless action at the Capitol, such as: “if you don’t fight like hell you’re not going to have a country anymore”. Thus incited by President Trump, members of the crowd he had addressed, in an attempt to, among other objectives, interfere with the Joint Session’s solemn constitutional duty to certify the results of the 2020 Presidential election, unlawfully breached and vandalized the Capitol, injured and killed law enforcement personnel, menaced Members of Congress, the Vice President, and Congressional personnel, and engaged in other violent, deadly, destructive, and seditious acts.

President Trump’s conduct on January 6, 2021, followed his prior efforts to subvert and obstruct the certification of the results of the 2020 Presidential election. Those prior efforts included a phone call on January 2, 2021, during which President Trump urged the secretary of state of Georgia, Brad Raffensperger, to “find” enough votes to overturn the Georgia Presidential election results and threatened Secretary Raffensperger if he failed to do so.

In all this, President Trump gravely endangered the security of the United States and its institutions of Government. He threatened the integrity of the democratic system, interfered with the peaceful transition of power, and imperiled a coequal branch of Government. He thereby betrayed his trust as President, to the manifest injury of the people of the United States.

Wherefore, Donald John Trump, by such conduct, has demonstrated that he will remain a threat to national security, democracy, and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. Donald John Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The message also announced that the House has agreed to the following resolution:

H. RES. 40

Resolved, That Mr. Raskin, Ms. DeGette, Mr. Cicilline, Mr. Castro of Texas, Mr. Swalwell, Mr. Lieu, Ms. Plaskett, Mr. Neguse, and Ms. Dean are appointed managers to conduct the impeachment trial against Donald John Trump, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. RISCH for the Committee on Foreign Relations.

*Antony John Blinken, of New York, to be Secretary of State.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. BLUMENTHAL, and Mr. MARKEY):

S. 36. A bill to require certain helicopters to be equipped with safety technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. TILLIS, and Mr. CARPER):

S. 37. A bill to address the public health risks posed by wildlife markets, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. DURBIN, Ms. DUCKWORTH, Ms. BALDWIN, Mr. CASEY, Mr. VAN HOLLEN, Ms. HIRONO, Mr. TESTER, Mr. BENNET, Mrs. FEINSTEIN, Mr. SANDERS, and Mr. PETERS):

S. 38. A bill to specify the Federal share of the costs of certain duty of the National Guard in connection with the Coronavirus Disease 2019; to the Committee on Armed Services.

By Mr. INHOFE:

S. 39. A bill to ensure the continued strength and leadership of the United States in the research and development of key technologies for future wireless telecommunications standards and infrastructure by providing additional authority for sanctions against certain foreign entities that pose a threat to national security, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. COONS, Ms. HIRONO, Mr. SANDERS, Ms. DUCKWORTH, Mr. MARKEY, Mr. MERKLEY, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. WARREN, Mr. CASEY, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. KAINE):

S. 40. A bill to address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPITO (for herself and Ms. WARREN):

S. 41. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Patient Protection

and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 15. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. VAN HOLLEN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Ms. HIRONO), the Senator from Washington (Ms. CANTWELL), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Ms. SMITH) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 35, a bill to award a Congressional Gold Medal to Officer Eugene Goodman.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 15—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 15

Resolved,

SECTION 1. AUTHORIZATION FOR PHOTOGRAPH.

(a) IN GENERAL.—Paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) shall be temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken on January 26, 2021, of the swearing in of Members of the United States Senate for the impeachment trial of the former President of the United States.

(b) ADMINISTRATION.—The acting Sergeant at Arms and Doorkeeper of the Senate is authorized and directed to make the necessary arrangements to carry out subsection (a), which arrangements shall provide for a minimum of disruption to Senate proceedings.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WYDEN. Mr. President, I have a request for one committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, January 25, 2021, at 6 p.m., to conduct a closed hearing.

ORDER OF PROCEDURE

Mr. SCHUMER. Madam President, I ask unanimous consent that upon the conclusion of morning business on Tuesday, January 26, the Senate proceed to executive session, and the Senate proceed to the immediate consideration of the nomination of Antony Blinken to be the Secretary of State; further, that the time until 12 noon be equally divided between the two leaders or their designees, with Senator MENENDEZ permitted to speak for up to 5 minutes; and that at 12 noon, the Senate vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JANUARY 26, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, January 26; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that upon the conclusion of morning business, the Senate proceed to executive session to consider the Blinken nomination, as provided under the previous order; that following the confirmation vote on Blinken, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each and that Senator PAUL be recognized to speak for up to 15 minutes for debate only; finally, following the remarks of Senator PAUL, the Senate recess until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, for the information of all Senators, there will be a live quorum at 2:15 p.m.; Senators are asked to report to the floor at that time; at 2:30, the oath will be administered to the Presiding Officer and Members of the Senate for the impeachment trial of Donald John Trump, former President of the United States.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, at 8:06 p.m., the Senate adjourned until Tuesday, January 26, 2021, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate January 25, 2021:

DEPARTMENT OF THE TREASURY

JANET LOUISE YELLEN, OF CALIFORNIA, TO BE SECRETARY OF THE TREASURY.